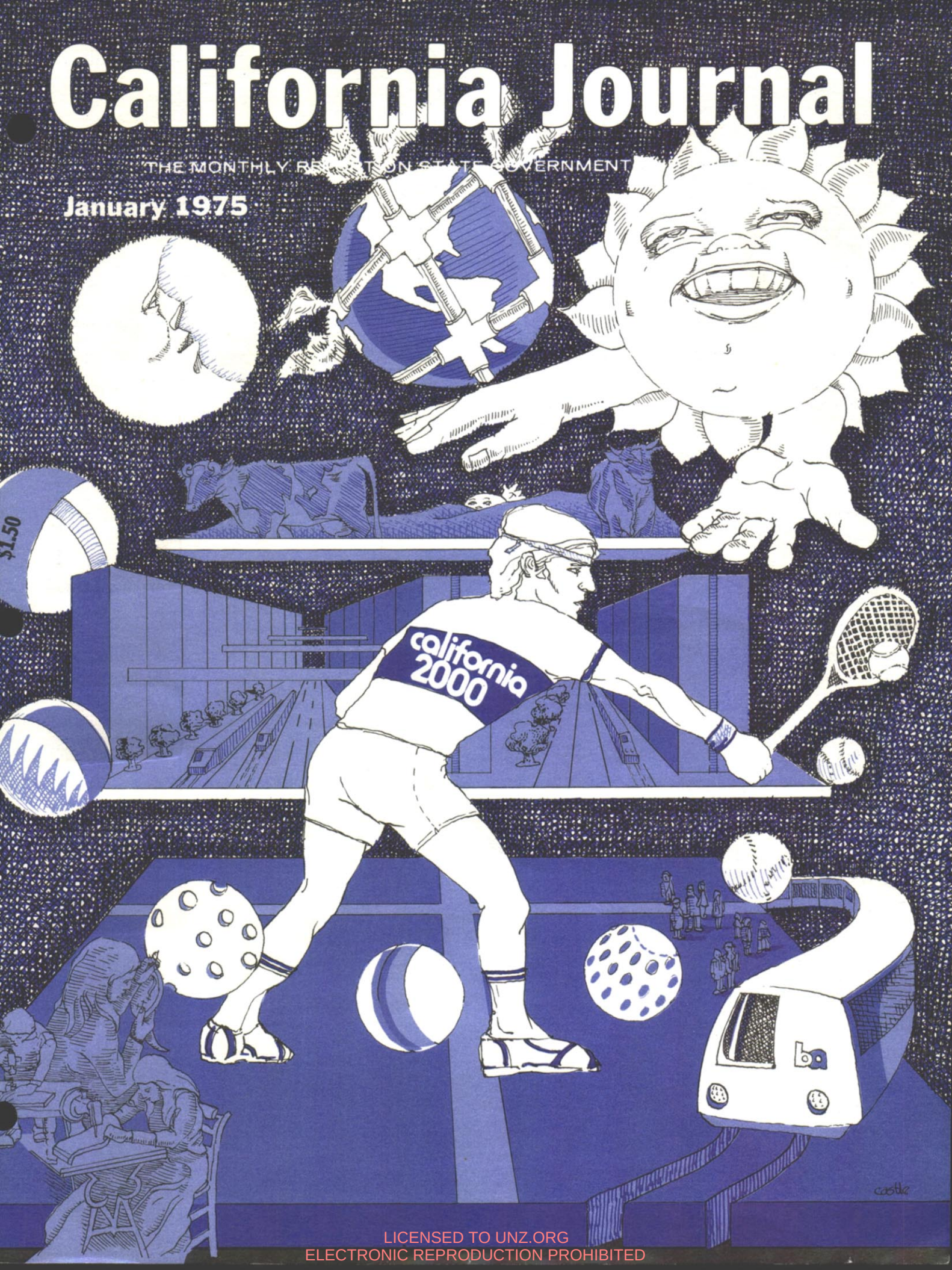
California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT

January 1975



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A PERSONAL PERSPECTIVE...

By Ed Salzman

Tinkering with party machinery

If a pollster walked onto any main street in any California city and asked passers-by to name the state chairmen of the Republican and Democratic parties, how many correct answers do you suppose would be given? Probably none. (For the record, the chairmen are Republican Gordon Luce, a San Diego savings-and-loan executive, and John Burton, the San Francisco congressman.) The public has virtually no interest in the so-called party machinery, either within California or nationally. Party officials are relatively unimportant in California, which has a tradition of weak political parties, and the state central committees have virtually no effect on the daily lives of Californians. Elected public officials pay little attention to the party structure — except when they are seeking money from the party coffers or when they are seeking leadership posts themselves. The party chairman is a spokesman without power. Party conventions and party platforms are exercises in rhetoric.

Why then was there so much fuss after the November election about the future of both parties? Lieutenant Governor Mervyn Dymally made some widely quoted remarks attacking the party officialdom, with the notable exception of Vice Chairman Chuck Manatt, for providing him with no help whatever in his campaign. Although Dymally declined to name names, he was obviously talking about Burton. Dymally's opponent and predecessor as lieutenant governor, John Harmer, hardly waited for the last vote to be counted before announcing his candidacy for vice chairman of the state GOP next month (and automatic promotion to chairman in the election year of 1976). Newly elected Assemblyman Bruce Nestande of Orange County also announced that he wants the vice chairman's job. Paul Haerle, a former Ronald Reagan aide and the current vice chairman, will succeed Luce this year.

In Dymally's case, the criticism involves the long rivalry between contending political factions in San Francisco. On one side, there are men like Phil and John Burton, Willie Brown and George Moscone. On the other, there are Leo McCarthy, Joe Alioto and the business establishment. Dymally has been at odds with John Burton and Brown, and he took the opportunity of his election to throw a jab at one of his political opponents. Dymally claims that whatever financial resources were available to the central committee were used primarily to assist Democratic candidates for Congress, where Phil Burton was making a successful run at a leadership post.

* * *

In the case of the Democratic Party, there is little wonder why anybody pays much attention to the central committee and the state chairman. The party is anything but unified, and the central committee is far too weak to serve as a coordinating force. There would be little difference in the political scene in California if the party structure were abolished. A certain amount of money does flow into the central committee, however, and this kitty must be distributed. But most money is raised by individual candidates and not within the party structure. And there is the glory of being the official party spokesman — and this is why those who already hold elected public office often seek the job as chairman.

The Republican Party structure over the years has filled a more vital role, perhaps because the GOP is, after all, No. 2 and must be more efficient, more unified and work harder to make up for the large Democratic advantage in voter registration. During the 1960s, under the leadership of one-time chairman Gaylord Parkinson, the GOP came up with its Cal Plan, which sought to take control of the Legislature away from the Democrats in time for reapportionment. Although not 100 percent effective, the Republicans did make dramatic gains. For the eight years of the Reagan administration, the central committee has been tantamount to an offshoot of the governor's office.

* * *

But what of campaigns by public officials like Nestande and Harmer ? To Harmer's credit, he withdrew from the contest after affiliating with a law firm and indicating he would keep his family residence in Northern California (thus making him ineligible for the vice-chairmanship). But his post-election announcement was an obvious attempt to keep his personal political career alive. And how can Nestande, a freshman lawmaker, give any real time to a party leadership post when he will have a full-time job representing his Orange County constituents? Should the party leadership posts be allowed to be used for the promotion of the personal political ambitions of any individuals within the party?

Although parties are notoriously weak in California, these central committees could play a vital role. How much better it would be to have paid political functionaries running the campaigns of candidates in special elections, for example, than to have them run by individuals on the public payroll of the legislative and executive branches of government. How much better it would be if a larger share of campaign funds came from a party treasury than from contributions to individual candidates from special-interest groups. How much better it would be if party platforms actually meant something.

The public at large cares little about party machinery. There will be no pressure for reform from the citizenry. So these changes can be accomplished only from within by electing the right people to leadership posts. Over the years, the worst chairmen of both parties have been those who have held simultaneous public office or who were allied with only one element of the party or were seeking political gain for themselves. Some of the best have been men, like Manatt or Jim Halley, who have resisted the temptation to use the party post for personal political gain and who have worked with all elements of the party.

If the political party structure in California is worth building (and it may not be), this can be done only over a period of years by chairmen who see themselves more as behind-the-scenes organizers and peace-makers than out-front self-promoters and speech-makers.

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Gazing at California at

To most Californians, there may be no special significance to the start of 1975. The 20th century is heading into its final quarter, but the big celebration for Americans will come next year with commemoration of the 200th anniversary of the nation's founding. Still, this is a special year (and a special month) for California Journal — ***our fifth anniversary. And we are marking it in this issue, not by reliving the labor pains that produced this unique publication, but by looking to the future of the state that is the sole object of this magazine's attention.***

According to Eastern mythology, California is supposed to be an outrider for the rest of the United States, testing new ideas and starting the fads that eventually spread throughout the world. Assuming that there is some truth to this contention, it is especially important that trends in California be sifted for clues to the future. In this issue, the Journal ***attempts to assess what California will be like at the start of the 21st century.***

"California 2000" explores the future in the fields of state and local government, the environment and transportation, education, and the potential for seismic disaster. We welcome additional thoughts from our readers on the state of California at the start of the 21st century — and the Journal's ***30th anniversary.***

LIFESTYLE/2000

Decline of the automobile, rise of the urban cluster

By JENNIFER JENNINGS

First, the good news about the quality of life in California at the start of the 21st century:

- The rapid-growth era will have ended and urban sprawl will no longer be a significant element of blight.
- The smog problem will be brought under control, primarily because Californians will be forced to depend less and less on the private auto for transportation.

Now, the bad news:

- California's population will be overloaded with elderly tax-consumers and there will be a shortage of those in the tax-producer bracket.
- The economy of the state and nation will not be good by traditional measure. The energy shortage will persist, making food, among other necessities, both scarce and expensive. Land prices will shoot off to the moon. The work force will be shifted to occupations consuming less energy.

Much of California's past has been determined by the flood of Easterners who rushed into the state in search of fortunes in gold and other commodities. At one time, the late Earl Warren predicted that by the year 2000 California would have about 50 million inhabitants. And at the rate California was growing during Warren's tenure as governor (1943-53) that might well have been a safe prediction. But it is clear now that California is not nearly the mecca it once was. Walter P. Hollmann, chief of population research for the state Department of Finance, said that current planning assumes that migration will average about 100,000 persons a year.

But the big issue, in terms of the state's future population, is the birth rate. Kenneth E.F. Watt, a futurist at the University of California's Davis campus, believes that the state will hit zero population growth (ZPG) or a birth rate of about 2.1 children per family, by 1981. This conclusion is based on studies done by a Peter S. Hunter showing that young people today, severely affected by un-

The author has written for the Journal *on women in state government (March 1974) and on sex-education laws (July 1974).*

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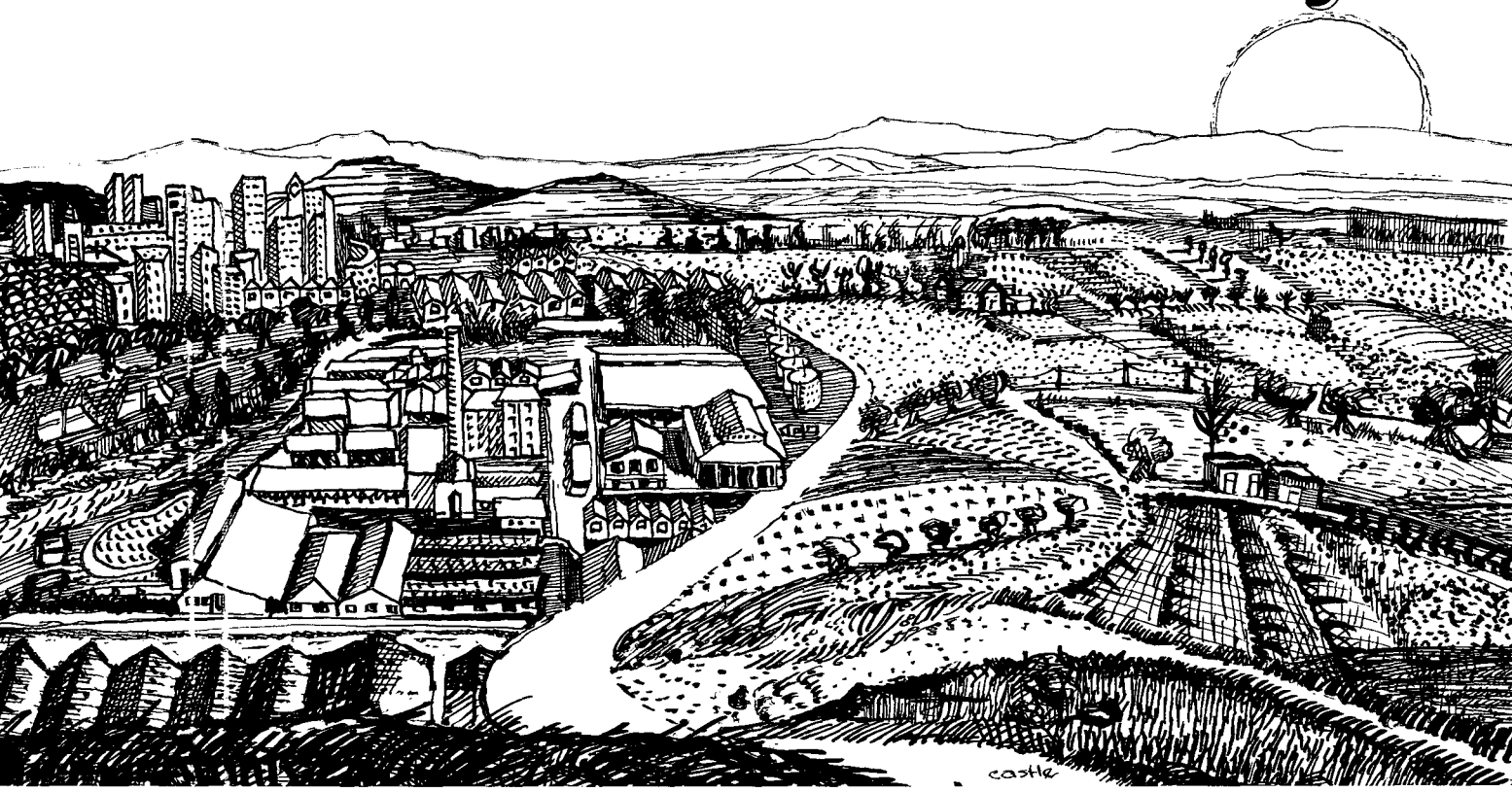
the turn of the century



employment, inflation and other adverse economic conditions, are not having many children. If this holds true, Watt contends, the age structure in our society will become distorted; there will be a large population of senior citizens drawing pensions, medical care and Social Security — and not nearly as many people working to pay for these programs.

Hollmann disagrees with the Watt-Hunter theory. The present uncertain economic conditions, Hollmann maintains, are causing young couples only to *delay* having children. He prefers the assumption that the future birth rate will be 2.45 youngsters per family — a rate that would keep the state's population growing. Even if California attained ZPG-Hollmann claims, it would take about 70 years for the population to stop increasing (because of the current age-group distribution); meanwhile, population would increase 40 percent.

What all this means is that, whether Watt or Hollmann is correct, California's population will increase modestly at best over the next 25 years and may even stabilize at perhaps 25 million people before the start of the 21st century.

Automobiles and life-style

The more one examines the California lifestyle and how it may change in the future, the more evident is the conclusion that the private automobile is the single most pervasive factor shaping it. The private auto is a prime consumer of petroleum, which is at the heart of the nation's economic crisis. The car determines how far from central cities people can live, how land will be used, and the extent of environmental pollution. It is ,thus, significant that the state Department of Transportation, which built the freeway system that produced the current lifestyle, is now engaged in a more intensive study of the future than any other agency in state government. Edward F. Dolder, project chief, explained that California communities have been designed around the auto and that his office of transportation policy planning is seeking to encourage communities in which less moving around is necessary.

By the year 2000, economic pressures will be such that the private automobile will no longer be the prime method of transportation in California. Mass-transit systems emulating Bay Area Rapid Transit will gradually develop in virtually every urban area. High-speed train lines will connect urban centers. (A line running from Ventura County to Tijuana would probably be the most feasible.) And there will be a marked increase in the dedication of exclusive freeway lanes to bus service in areas where train lines are either not feasible or still on the drawing boards.

Watt feels that the auto is responsible for the urban-suburban sprawl that has taken place in California during the 20th century. This sprawl wastes time, land, energy and materials. He hopes that a change in the mode of transportation will produce a new life style for California — away from "privatism" and toward community cooperation. The auto has become more expensive, and the federal government is determined to reduce the con-

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sumption of gasoline (possibly by imposing a steep tax to discourage its use). Perhaps more than anything else, this economic fact of life will make mass transit palatable to Californians who view the car as an extension or expression of their individuality.

The need for conservation of oil cannot be overemphasized. Americans must export larger and larger amounts of food, grown for the most part in California, to pay for imports of higher-priced crude oil. This makes less food available for local consumption, and the consumer is stuck with significantly higher prices for both fuel and food. There is no easy way out — barring some major and unforeseen petroleum find or a technological breakthrough. We will have to conserve energy much more than we did during 1974, and development will have to be speeded of such alternate power sources as solar, wind and geothermal energy. Some futurists feel that, for a variety of economic and safety reasons, nuclear energy is not the answer although it may prove to be a short-run solution. Watt believes that the labor force will have to be redistributed to jobs requiring relatively little electricity, such as cultural and recreational activities, education and medical services.

Living together

Californians will be living in high-density clusters during the year 2000. This will relieve two current problems — transportation and the need to preserve land for agriculture (which will be the backbone of the nation's economy). An effort will be made to preserve open areas in the urban centers, and these high-density areas will have a great deal of character. Watt envisions the typical Californian in 2000 having a lifestyle similar to that of the Swiss or Dutch.

The experts agree that land will become far more expensive. The high cost of land, not to mention other natural resources in 2000, should force Californians to spend their money differently. Since people will be living closer together, explained Hollman, demand will likely grow for better public entertainment (a low-energy industry). The reduced reliance on the automobile for energy-conservation reasons will also help rid the state of air pollution. In fact, the environmental movement as we know it today could all but disappear. Strict statewide land-use planning will be a reality; smog will have been reduced; new dams will not be needed to transfer water to Southern California's relatively stable population; sewage-treatment technology will have been refined to the point where Californians will make great use of reclaimed water.

The future today

The concerns of Californians in the year 2000 will have more to do with how to make life worthwhile in the dense urban centers that will have replaced the sprawling bedroom suburbs. Watt considers the United States to be "a very strange society," explaining: "Our land, matter and energy is underpriced relative to labor." Thus, the prime goal of employers is to reduce labor costs. But what will happen when the United States and California join the rest of the world in witnessing soaring costs of land, fuel and raw materials? Answers Watt: If the energy/labor ratio is reversed, we will be able to afford more for architecture so our cities won't continue to look like antheaps. We will be able to shift away from an energy-, matter-intensive society to a labor-intensive society."

This look at California's future should not seem overly far-fetched. After all, quite a few Californians — especially in the San Francisco Bay Area — have already established lifestyles resembling this view of what is in store for most of us in the year 2000. They are the Californians who live in central-city condominiums with built-in open spaces and recreational facilities, who commute by BART, are employed in a service industry requiring relatively little fossil fuel, have resisted large families, and worr about the state of the economy. The futurists tell us that the economic crisis of today will not evaporate overnight through the good graces of the Arab sheikdoms; indeed, the problems are so fundamental and so massive that they may still be around in one form or another at the turn of the century.

POLITICS/2000

Meet your governor: Ms. Edna G. Brown

By ED SALZMAN

A superficial glance at the current state of the California political scene might lead one to forecast without fear of contradiction that the governor of California at the turn of the century will be a fellow named Edmund G. Brown III. But, alas, Pat or Jerry III has not yet been born and the present Governor shows no sign of ending his bachelorhood. And it is unlikely that the youth movement will be so strong by 2000 that some 20-year-old will be elected to the state's highest office. A much more likely prospect is that whomever is chosen for a four-year term starting in 1999 will be a politician with a name akin to Edna G. Brown.

For the most potent force in politics today — and it will grow rapidly — is the rise of the women's movement. It may well be that California will have its first woman governor before 2000 — perhaps as early as 1982. Women may not have made much progress winning statewide elections, adding seats in the Legislature or replacing men in the state's congressional delegation. But that may be deceiving. Women are winning in large numbers at the local level, and it may be that our first woman governor will be someone who has displayed executive talent as the mayor of a large city — Mayor Janet Hayes of San Jose or Supervisor Dianne Feinstein of San Francisco, for example.

Ivy Baker Priest made a breakthrough by winning

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election as state treasurer in 1966 and 1970. March Fong kept a woman in statewide office by winning the secretary of state's post last November. Perhaps the most significant aspect of the Fong victory was the apparent preference of Republican women for a Democratic woman over a Republican man. Fong even carried Orange County. Clearly, being a woman is going to be an advantage rather than a deterrent to any woman seeking public office in the final quarter of the 20th century. Gradually, women are going to add seats in the Legislature; by 2000, they may even come close to being a majority of both the Senate and Assembly. In every aspect of California political life, women will no longer be an under-expressed majority.

Racial question

How about racial minorities? Will blacks, Chicanos and Asians still be screaming for a larger piece of the action come the year 2000? Politically, blacks now have very little if anything to complain about. The victories of Wilson Riles as superintendent of public instruction and Mervyn Dymally as lieutenant governor show that there is no outright discrimination against black politicians as such. Dymally, in fact, would become the state's first black governor should Brown leave office before the end of his term. Blacks have gradually been increasing their representation throughout government, and there is no longer a chorus of cries from black politicians at political gatherings that they are being frozen out by whites.

Politicians of Asian extraction have also been making progress, but this has almost nothing to do with the fact that they are of Japanese, Chinese or Korean ancestry. Most Asians get elected because of their individual political skills, not because there are large blocs of Oriental voters seeking representation. Fong, Congressman Norman Mineta of San Jose and state Senator Al Song of Monterey Park come from communities with small Asian populations. The one exception is Republican Assemblyman Paul Bannai of Gardena, who gets such solid support from the large Japanese-American population in his district that he has been able to overcome a large Democratic registration advantage. There seems to be no reason why Asian politicians should be held back; if an Asian becomes governor, it will be because of his or her political ability and not because of or in spite of racial characteristics.

The Chicanos are the biggest enigma in California. They demand more representation. They claim that the political establishment schemes through reapportionment to reduce their influence. Yet the Mexican-American politicians who have emerged so far have not generally been of high caliber, particularly by comparison to the blacks. And the voter turnout in Mexican-American communities is exceptionally low. Some Chicano leaders are supporting a new party, La Raza, as an effort to gain more representation. But this will turn out to be a self-defeating effort because it will alienate the Chicanos from the major parties, which will continue to run the political ball game.

Over the past decade, the Chicanos have made some progress in the Legislature. But Assemblyman Ray Gonzales was defeated last November, as were two other candidates with good chances to win, Assembly hopeful Al Villa in Fresno and congressional challenger Julian Camacho in Monterey County. In some parts of California, there is undoubtedly a reluctance by Anglos to vote for Chicanos. But there is also the factor of the political ineptitude of many Chicano leaders, coupled with the relatively low interest in politics and government among the Mexican-American masses. There is nothing on the horizon now to make one believe that the Chicanos will make any rapid progress during the next 25 years. On the contrary, the road to the political top looks long and arduous.

Party changes

What gains the Chicanos make will continue to be within the framework of the Democratic Party, which will continue to be pushed to the left by national political events. While the party structure of both the Democrats and the Republicans in California will remain weak, the more interesting developments will take place within the GOP. Over the next 25 years, there will continue to be a struggle between the so-called moderates and the conservatives within the Republican Party. Should the moderates win control, there is a good chance that some conservative elements will bolt the GOP for a third party. The moderates will either remain in the GOP or gradually join the Democrats (as apparently was done by some in the wake of Watergate).

The political geography of California is changing: Ever so slowly, the Democratic and liberal north is becoming more conservative; at the same time, the conservative and Republican south is becoming more liberal. This is especially true of the former GOP heartland — the Orange-San Diego region. This trend should continue, making the state more volatile politically because the Democrats will no longer be able to take the north for

Back in stock —
The Secret Boss

The *Journal* has obtained a new supply of the autobiography of California's most famous lobbyist, the late Artie Samish.

The Secret Boss of California – the Life and High Times of Art Samish, by Arthur H. Samish and Bob Thomas, was originally published at $5.95. It is available from the *Journal* for $3, including tax and postage.

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granted and the Republicans can no longer count on a conservative bloc in the south.

Over the next 25 years, the Democrats should remain in power most of the time. But occasionally a Republican will break through to win a major office, especially after Democratic incumbents have worn out their welcome with the electorate. The odds are about 3-2 that a Democrat will occupy the governor's chair in 2000. The Democrats will be aided by the fact that most (but not all) of the successful female candidates in California in recent years have been Democrats. This means that, when the big push comes for female elected officials (and it is almost here now), the Democrats will have an advantage.

Judicial reform

Most political discussions involve those positions with high-powered partisan elections. But what of the most powerful branch of state government, the judiciary? The state Supreme Court has the power to override decisions of both the executive and legislative branches of government. And the Supreme Court is not about to lose any of its power. In fact, it is probably the one branch of government that has the general confidence of the public. The big change in the judicial system will come at the trial-court level, where major revisions are already in the wind. By the turn of the century, there will no longer be any small justice courts. The long-discussed plan to merge the municipal and superior courts into a one-level trial court will probably be enacted. Many of the cases now tried by judges will be handled by referees and commissioners, especially traffic, juvenile and small-claims cases. These referees and commissioners probably will hold sessions at night and on weekends for the convenience of the public.

More appeals-court justices will be needed because of the merger of the trial courts. Cases that are now appealed from the municipal to the superior-court level will automatically go to the courts of appeal or to a panel of superior-court judges. The system of appointing judges will remain relatively unchanged, although the State Bar will become even more assertive in opposing the confirmation and appointment of lawyers whom it feels to be unqualified for the bench.

Legislative vs. Executive

Insofar as the legislative and executive branches of government are concerned, there will be an ebb and flow of power between the two over the years, depending on the personalities of the men and women who serve as governor and as leaders in the Senate and Assembly. The executive has some natural advantages, and most of the time the Legislature will occupy the inferior position. There has been some discussion over the years about eliminating some constitutional elective offices, such as the treasurer and the secretary of state. But this would probably require an initiative action, and it hardly seems worth the bother.

Nevertheless, the campaign for government reform will continue, with the Legislature the prime target. Organizations such as Common Cause may well sponsor more initiatives to curtail even further the influence of corporate lobbyists. In fact, it would not be surprising by the year 2000 to see the advocacy corps occupied primarily by local-government and "good-guy" representatives. The corporate and contract lobbyists would be damaged severely by a provision banning them from giving anything of value, even a cup of coffee, to a legislator — directly or indirectly.

There will also be a reduction in the number of fringe benefits received by legislators as the press and public come to insist on cutbacks (such as in the pension bill of 1974). Legislators will be recognized as full-time public employees but the public will not approve any plans to give them a whopping salary increase. As a result, they will continue to take their cost-of-living increases of five percent a year. The salary of a legislator in the year 2000 will be about $48,000 a year — more than double the present compensation.

The campaign for a unicameral legislature will probably never die. Nor will it be enacted. There will be no public clamor for this kind of change, which would require a constitutional amendment. The reforms within the Senate and Assembly will come about because of forces within the Legislature. (Already there are indications that Assembly Speaker Leo McCarthy is willing to give up a bit of his enormous power. What happens to his successors depends as much on their ability as leaders as on the persuasiveness of those who would prefer to see a weak-speaker system evolve.)

There is room for even more change in the Senate, which theoretically is run by a five-member Rules Committee chaired by the president pro tempore. In recent years, this has meant that the sharing of power has produced a leadership void or that the Rules Committee has allowed its chairman to act more or less like the Assembly speaker. This means that how the Senate operates depends pretty much on the senator who holds the top job. The big change in the Senate will be the gradual dissolution of the "Old Guard" — that group of senators tied closely to the powerful corporate and contract lobbyists. As the lobbyists lose power and as the reform movement builds momentum, there will not be nearly enough of these "Old Guard" senators left to run the upper house. By the year 2000, there will be a new breed of senator in the upper house and the leader will be expected to exert strong leadership, much like the speaker of the Assembly. But the Rules Committee system will be retained as a check against the abuse of power.

Changes in law

What kind of legislation is apt to be produced by the 21st-century breed of lawmaker? Forecasting in this area is especially perilous because issues have a habit of coming to the fore or dissolving overnight. But, based on present trends, these matters are on the horizon:

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School finance. Eventually, the Legislature will come to grips with the state Supreme Court's decision in *Serrano* v. *Priest,* in which it ruled the present local property-tax system of financing public education to be unconstitutional. But the solution will be extremely complex because some of the most needy communities in the state stand to lose school funds under a strict interpretation of the *Serrano* decision. This means that a grid of special appropriations will have to be built above the base amount distributed to districts for every child in the state. Because the state will be forced to move so heavily into the financing of education, it will also take a greater interest than ever in how the money is spent. One possible outcome is that by the year 2000 salaries for teachers in every district will be set in Sacramento.

Welfare. The federal government has already taken almost full responsibility for the adult categories of aid — blind, aged and disabled. Within the next few years, the state will take over the most controversial category, aid to families with dependent children, and the counties will be virtually out of the welfare business. The federal government will eventually take over the entire program.

Crime Ever so gradually, the so-called victimless crimes -- prostitution, gambling, and drug-use, among others — will be stricken from the statute books. The first steps will be reduction of penalties for possession of marijuana, followed by the decriminalization of pot and the legalization of all private sex acts between consenting adults. By the year 2000, it will probably still be a crime to possess a hard drug or to conduct gambling activities that are not specifically sanctioned by the states. Polls indicate that the public already favors legalization of prostitution in California, but the Legislature probably will not act to decriminalize and possibly control the "world's oldest profession" until the courts pave the way.

Budget and taxation. The state budget in the year 2000, as presented by "Governor Edna Brown", will be in the vicinity of $75 billion. And that's a conservative figure. The budget in recent years has doubled about every eight years, and if that trend continues it should top $80 billion by 2000. Taxes will be increased periodically, but the major thrust will be to eliminate the so-called loopholes that allow those on the upper rungs of the income ladder to pay a relatively small percentage of their earnings in taxes. The sales tax will stop at 10 percent. Separate categories of property taxation will be established for residential and non-residential property, with commerce and industry getting hit harder than the homeowner.

Health and consumer affairs. It will be in this area that government at all levels will become more active. The federal government will have put a full-scale national health program into effect, taking the state off the hook for the expensive Medi-Cal program but requiring a massive increase in federal Social Security or income taxes. The state will completely renovate its Department of Consumer Affairs and will become far more active in protecting the public against unscrupulous business and professional people. Many of these consumer-protection activities will be carried out at the local level, because the state can hardly handle complaints against businesses in every neighborhood.

The political game

Despite all this, a Rip Van Winkle who goes to sleep this month and does not awaken for 25 years will not find a great deal changed in state government and politics. Indeed, the political game has never changed. It involves individuals with impressive egos trying to push themselves into positions of ever-increasing power. It would take the administration of a drug envisioned by the imagination of an Aldous Huxley to create a different type of political animal.

And who is to say that any such brave new political world would be any better than the old?

EDUCATION/2000

Changes in the schools: more humanism, less mechanism

By SHIRLEY B. NEILL

In late October last year, *Newsweek* made much of the country aware of a phenomenon it recently noticed in the Golden State —, the peaceful coexistence of two extremely different types of public education. One is an open, "creative", barefoot-and-blue-jeans haven for students in kindergarten through 12th grade; the other, a tradition-oriented, "strict" counterpart where reading and math are "in" and so is homework. The contrast between the two schools is even more striking due to the locale, Pasadena, once the country's reputed bastion for conservative "little old ladies in tennis shoes." In many other parts of California and the nation, however, school districts are allowing and encouraging similar dual situations.

Alternative forms of schooling are being tried, while Congress, educators, parents, employers and sometimes students themselves ask for a return to basics — namely reading, writing and arithmetic. This is but one of the controversies currently brewing in education — controversies that make predicting what education will be like in the year 2000 extremely difficult.

In Pasadena, the student enrollment at the traditional

Shirley Neill, formerly editor of Education U.S.A. Special Reports, *is a Sacramento-based free-lance writer who authored "March of Metrics" in last month's* Journal.

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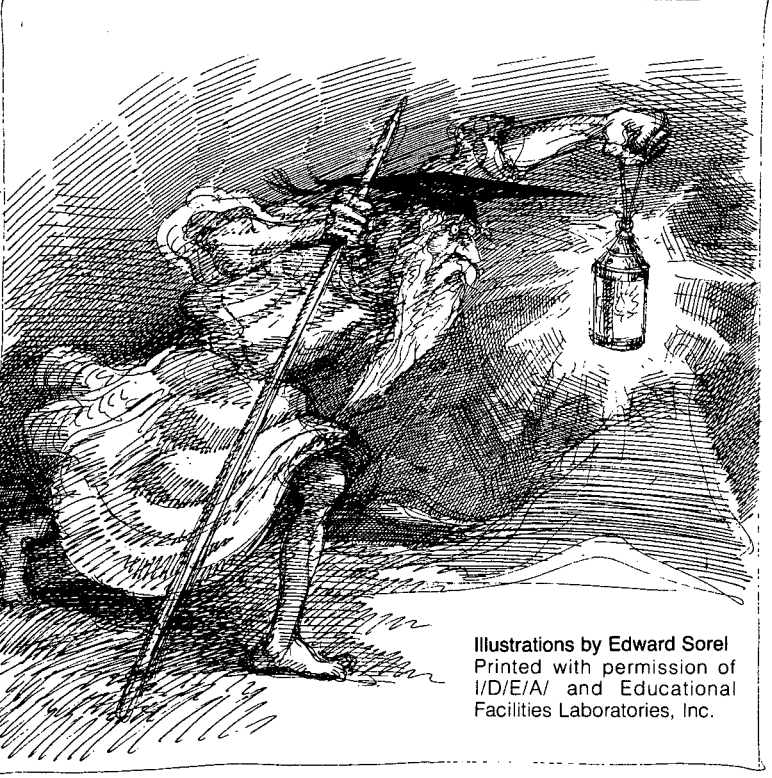

Illustrations by Edward Sorel
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John Marshall Fundamental School (1,700 students) outstripped that of the experimental Alternative School (1,000 students). Moreover, John Marshall had a waiting list of 1,000 — almost double the number who wanted to get into the Alternative School. Such figures attest to parents' belief in the "three Rs". While public school administrators are not ready to turn their backs on the basics, many see alternatives as the hope for education in the 21st century.

Loosened reins

Many aspects of education can be expected to change in the next 25 years. Current trends indicate shifts in who constitutes the student group, what students learn and how they learn it, and even what constitutes a school. Past and present problems may not be solved for the next 25 years. Schools, for example, now find themselves in various predicaments as a result of the loosening of reins in the 1960s on curriculum, on scheduling, "proper classroom conduct", student rights and responsibilities, teachers' pay, responsibilities, staffing patterns and political clout, decentralization and community control of schools, and the influence of special-interest groups.

New problems will bear prominently on schools. The main topics of discussion in tomorrow's schools are being determined by what the world-watchers predict is in store for the globe: food shortages, lack of water, clean air, living space and natural resources. When schools fully realize the upcoming crises, the rush to revise the curriculum will equal or exceed the Sputnik-impelled rush to science and technology in the late 1950s.

With another 2.5 billion people to share the globe by the end of the century, all countries will be straining to provide for them, experts warn. One of education's functions will be to make students aware of the crises and their causes and possible solutions, and to counter the notion that Americans will always be, in David Potter's phrase, a "people of plenty". Another function will be to prepare students for new careers in producing and processing food, desalinizing water, and meeting the problems of over-population.

The compatible relationship between education and ecology will become even closer. Conservation will be the new watchword for society. Some controversial topics will find their way into the classroom, probably accompanied by turmoil and resistance. At a young age, students will be taught about population control, with a strong emphasis on the desirability of small families. Old and new topics in health education will be stressed to counter startling statistics such as the following:

- As many as half of California high-school youths may have used drugs.
- The number of male seventh-graders in the state who admitted to using alcohol 10 or more times in a one-year period rose from 10 percent in 1969 to 25.3 percent in 1973.
- One of every five to ten California teen-agers has venereal disease. Health authorities predict that the ratio will be one out of two by 1980.

Global interdependence

New courses will offer students the chance to explore such topics as extraterrestrial life. Other subjects, once relegated to science-fiction courses, will gain respectability. Included are such present and future problems as: the death of the inner city, genetic manipulation, biological warfare. Some of the methods used to teach these courses will be old, others new: simulations; reading; videotapes; attendance at university lectures and debates; radio and TV hookups with major research organizations, museums, data-collection centers; face-to-face communication via satellite with students in other countries (with interpretation provided as part of a worldwide system).

More emphasis will be placed on the interdependence of countries. For students, this could mean enrollment in "survival" courses. One curriculum, "Global Development Studies", is currently used in Swedish schools; others are in planning stages. Increasingnumbers of students will be learning Chinese, which only recently has started to gain favor in public and private high schools. The proposed United Nations University will probably gain enough support to open its doors. In its nine regional centers, students from many countries will do graduate study on global problems.

Since the rate of change is not expected to slow down and knowledge will continue to accumulate, schools will be forced to give up trying to teach everything. Even now, students are lucky to get beyond sketchy details of modern history unless they take specialized courses. Educators are predicting that schools will de-emphasize the learning of specific knowledge and abandon rote and regurgitation. Instead, students will be taught how to locate information, how to pursue learning on their own, how to function as knowledgeable citizens, parents and consumers. The "affective" areas of education will receive more attention, with students learning about value systems, responsibility, respect, tolerance, the "Golden Rule".

Greater humanism

Individualization, the vogue word in education that has nosed out "relevant", will remain fashionable, probably well into the 21st century. Jimmy-the-Greek couldn't make a better suggestion for a continuing trend in education.

The individualization of the future, however, will reflect more humanism and less mechanism. In time, school districts will give up on the idea that a computer or a management system, operating alone or concurrently, can solve all of their educational problems. Students will not be plugged into a neatly packaged system, as is now the case in some schools. The package will be made more palatable to the individual student as he is, not as the

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system would have him. Computers will come into expanded use as record-keepers, with districts joining cooperatives or leasing time on business computers to keep costs down.

Educators will become increasingly interested in the science of motivation as a means of making indifferent students into self-propelled learners. Some students will be allowed to make decisions about what they learn, based on individual interests, abilities and particular needs. Under this kind of "personalized" education, all students will not be learning the same things at the same time. A sixth-grader, for example, could choose to study abstract painting and nuclear physics — subjects his classmates would not tackle until much later.

Students, particularly at the secondary level, will be learning more through what educators refer to as "hands-on experience" — learning more through doing than through telling. Students will supplement classroom instruction with on-the-job training. Work study programs will grow in popularity, with high school students spending up to three days a week working in the community. Starting as early as grade six or seven, apprenticeships will be encouraged. Many students will spend an hour or so each day outside of the school, learning about trades and crafts. Such programs will be pushed by futurists as a way to guarantee a supply of cobblers, farmers, plumbers, repairmen, carpenters, electricians, craftsmen, nurses, paramedics, dental technicians, road crews and well-drillers.

New chronology

Widespread proliferation of work/study programs in high schools could add up to fewer students going on to college immediately after high school. Many may choose to go to vocational and career-oriented junior and community colleges, on a part-time basis while working, or concurrently with high-school studies. Students will probably be able to receive 14 years of free education, with the last two years funded through a federal voucher system and usable at any point in their lives.

By the year 2000, education will be extended so far downward that few children will remember the first day of school. Most will be in a full-time learning situation from the day they turn three, and may go through three "graduations" before the age of six; nursery, preschool and kindergarten. There are two primary reasons why the movement toward early childhood education will catch on: Children who participate in the program are said to need less remedial education later, and most parents will want to have their young children in school. Women are seeking full-time jobs outside the home in increasing numbers, and already comprise 40 percent of the work force. Given the present trend, most infants will be cared for by someone in an infant day-care center for much of the day. Public schools will probably take on toddler day care as a supplemental activity since they will be faced with declining enrollments that will leave them with empty classrooms and a surplus of teachers.

Shrinking enrollment

The first effects of a declining birth rate were felt by schools in 1974, when school enrollment nationwide dropped seven-tenths of one percent. The biggest decrease (730,000 pupils) occurred in elementary schools. In California, the Department of Education cautioned about a new problem — "shrinking school districts". Statewide, enrollment dropped by more than 47,500 in a one-year period, with the total standing at 4.33 million students in grades K-12 during 1973-74. The projections for 10 years hence, in 1983-84, show even fewer students: 2.8 million in grades K-8 and 1.2 million in grades 9-12.

The ramifications of drops in school enrollment will include reduced needs for staffing and facilities, school closings and excess-site sales, reduced state apportionments from federal sources, consolidation of smaller districts, and more pronounced ethnic imbalance in professional staff due to "last hired, last fired" policies.

Current debates on lowering the compulsory attendance age will probably result in legislation allowing students to leave school at age 14. Such a recommendation was made two years ago by the National Commission on the Reform of Secondary Education. Max Rafferty, former state superintendent of public instruction, "reluctantly" agreed with the commission. He said 842,000 students dropped out of the system in 1972 because "it simply had no meaning for them." Rafferty goes along with the commission's recommendation of 14 years' tuition-free schooling, with the first eight years compulsory and the last six available at any time later.

Wilson Riles, the current state superintendent, disagrees. Students would not be qualified to enter the job market at age 14, he said, and it is better to offer them a variety of alternatives within the system. Riles admitted, however, that in many cases traditional schools are not meeting the needs of "unwilling" students.

Student power

Meanwhile, a commission now studying California's intermediate and secondary schools has included among its preliminary recommendations that students be given more control and decision-making power over their own education. Whether or not such an idea is workable on a large scale will probably not be known, even by the year 2000. Top school administrators are generally fearful of putting such recommendations into widespread use because of political reprisals and parental disapproval.

Even with changes in compulsory attendance laws, most students will probably stay in the system, if for no other reason than the "social" benefits. What else offers

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students the opportunities for social relationships with peers on such a frequent basis?

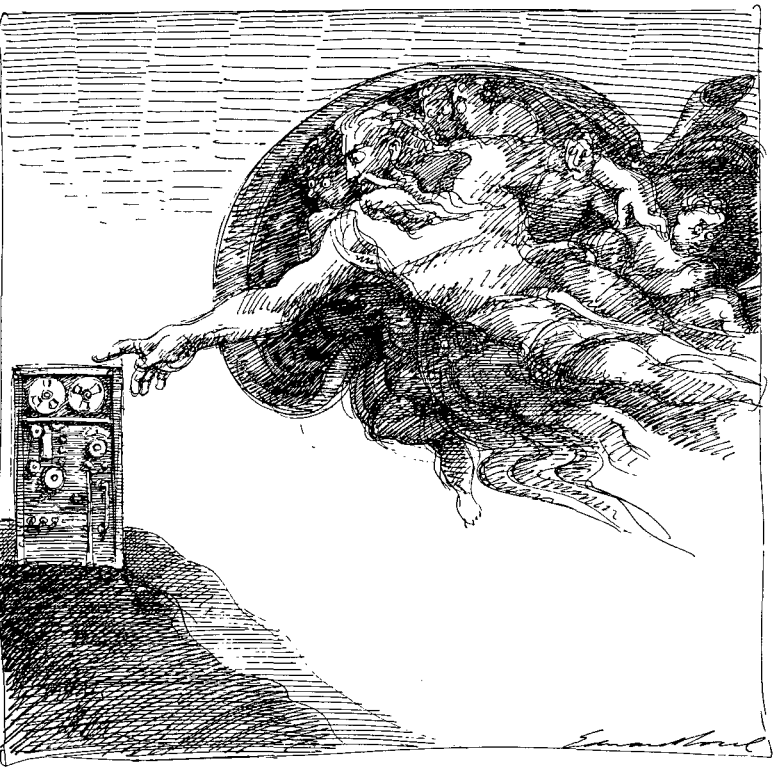
If students were given their way, many more alternatives would be in store for them. In the past, the biggest support for alternatives has come from the private schools. The result has been a proliferation of programs. They include "schools without walls" (learning in the community); mini-schools within a larger school; and special schools for dropouts, pregnant students, the emotionally disturbed, creative or gifted students, and troublemakers. Without large-scale support from the public-school sector, however, many of the programs will fold.

Year-round school

A movement that has caught on and is gaining support in California — the year-round school — could be in full swing by the 21st century. As of late 1974, 126 schools in 38 districts were operating year-round, and another 61 districts were "interested" in doing so. In future years, more consolidation of smaller districts will add to the number of year-round operations. So will the concept of lifelong learning for all who desire it. Ideally, it is thought, the year-round school will become a community center, with its facilities available to all, day and night, and at any season of the year.

Education in the future will increasingly demand that teachers become even more knowledgeable. They will require new or increased training to cope with the following:

- The expanding megalopolis, with the related problems of teaching students who live in the inner city, the suburban sprawl or the outer fringes.
- Integrating handicapped children into regular classrooms.
- Revised staffing patterns, calling for teachers to work as a unit that goes beyond the old team-teaching concept. Teachers will need to learn how to work well with increasing numbers of paraprofessionals, teacher aides, student tutors, and community volunteers.



- The advent of the new "professionalism" in education, which will bring into schools diagnosticians, learning theorists, behavioral specialists, researchers and evaluators.

Teachers will need additional pre-service and in-service training. Of course, the buck passes to teacher education — an area that is much protected. "It's a bit tragic how difficult it is to really change what we do in teacher education," Arthur Corey, the head of the California Teachers Association, noted in 1966.

Minorities and education

Some potentially explosive issues have yet to shake California education, but their potential impact on the future cannot be overlooked. For example, approximately 30 percent of California public-school students belong to racial and ethnic groups. That figure is up from 25 percent in 1967. Most of the state's black and Asian students are isolated in schools in two metropolitan areas: Los Angeles-Long Beach and San Francisco-Oakland. More attention will be demanded by Mexican-Americans for their children's education due to high dropout rates (up to 50 percent by eighth grade), sometimes wholly inadequate ability to speak English (with little or no accommodation by schools to their bilingual needs), few Mexican-American teachers and administrators.

Another "minority" group, women, will begin to push for affirmative-action programs in all segments of education, from the Department of Education on down the ranks to the local school. A primary complaint will be that women continue to fill the ranks of teacher and secretary, while the higher paying and more prestigious jobs of elementary and secondary principals and administrators go to males. Parent groups — and mostly mothers— will follow the lead of their counterparts in Princeton, N.J., and Cedar Rapids, Iowa, in pointing out sexual discrimination in textbooks.

Problems of finance

Teachers' unions will be powers to be reckoned with — so much so that one major research group is preparing a report that pinpoints collective bargaining as the issue having the most impact on schools of the future. According to the research group, the decision-making power of the public, school boards and legislatures will be severely limited as the unions gain more of a foothold. With large investments of teachers' dues used to back political choices, the unions will demand and get more attention for their requests.

Politics and education will grate on each other for years to come in California until the school-finance issue raised in *Serrano* v. *Priest* is settled. A billion-dollar price-tag has been put on the decision, which means that the state would have to commit its financial capacity to a settlement. Realistically, the issue can be expected to be unresolved in the year 2000.

Meanwhile, the system will follow its usual course, according to one state spokesman. Parents will continue to cite discipline as the major problem confronting the public schools; more than 50 percent of the freshman class at the University of California will be required to take "bonehead English"; and the long-standing debate about the use of IQ tests will be settled in favor of keeping them but using supplementary measures to determine a child's potential and creativity.

Lessons from abroad

As the country tries to come to grips with the problems

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of the year 2000, some lessons can be learned from other countries and perhaps worked into the school curriculum. From Japan, we can learn how to cope good-naturedly and courteously with too many people in too small a space. From Australia, we can learn how to prepare the young for adulthood through a lonely but strengthening experience fashioned after the aborigine walkabout. And from England, we can learn how to cultivate a sense of humor in the face of adversity — a condition sorely lacking in schools and society today.

EARTHQUAKE/2000

Where will the next big one strike?

By CHRIS BOWMAN

California's residents generally can expect to experience at least one earthquake during their lifetimes that will leave more to remember than cracked plaster and broken china. In Southern California alone, the record suggests that a "moderate" earthquake, like the 1971 San Fernando tremor that claimed 64 lives and caused a half a billion dollars in property damage, occurs on the average of once every four years. And seismologists agree that California is overdue for another quake comparable to the one that devastated San Francisco in 1906. In the face of such statistical certainty, what is being done to minimize the earthquake hazard? Where will the quake of 2006 strike?

The Legislature's Joint Committee on Seismic Safety culminated four years' work on earthquake preparedness by drawing up a state seismic safety plan. Geologists, structural engineers and legislators are calling for more improvements in land-use planning and more stringent design requirements for bracing tall buildings and hospitals and communications centers. Last September, Governor Reagan signed Senate Bill 1729, by Senator Alfred Alquist, creating a Seismic Safety Commission to coordinate legislative and executive action on the earthquake problem. The commission's 13 members appointed by the Governor and confirmed by the Senate replaced the legislative Seismic Safety Committee and the Governor's Earthquake Council.

Although California sits atop the world's most active seismic belt, an earthquake hitting a populated area has been a rare event. As a result, with seismic safety competing for available funds against innumerable more predictable problems, the key question faced by the committee in its earthquake study was to determine "acceptable" levels of risk for Californians. One major problem was that the statistical period — a 200-year record of tremors — pales to nothing in terms of geologic time and may not be indicative of what is really going on under the Earth's crust. For a disaster that is known to recur once every 100 or 200 years, how much cost is the public willing to bear on how much protection and for whom?

Safe schools

The public's primary concern over earthquake hazard has been the safety of school children. No damaging quake has struck during school hours, but collapse of Jefferson High School during the 1933 Long Beach earthquake made apparent the high potential danger of confining a mass of children in buildings not designed to resist the seismic forces generated. The legislative response was enactment of the Field Act, which made it the state's responsibility to review all plans for school construction. Although local school districts have been required under this law to replace or abandon buildings that did not comply with the state's earthquake damage-resistant design code, few actually studied the condition of their buildings. Then, seven years ago, the Legislature ordered all districts to abandon schools not brought up to the 1933 standards by July 1, 1975.

Varied risk

In the San Francisco Bay Area, where few can remember the 1906 earthquake, and in Sacramento County, where there is no history of major tremors, there is an equal lack of assurance that new classrooms will be ready by July 1st. By contrast, Los Angeles City school officials, who have the destruction wrought by the San Fernando quake still freshly in mind, speak confidently of meeting the deadline. The Legislature subsequently extended the deadline two years, provided that construction contracts are actually let this year.

Nearly all the earthquake-safety construction to be done is located in the urban school districts of Los Angeles, Oakland, Sacramento and San Francisco. Most have applied to the state for matching funds in order to begin work to bring their buildings up to earthquake safety standards. It is not inexpensive; the bill for earthquake safety repairs has put all the big districts into debt for years. As of last January, it was estimated, the cost of updating some 1,250 non-complying buildings reached $515 million.

How many substandard buildings may be kept open until 1977 is not clear. Even more uncertain is whether an earthquake will bring them down before then. As Alquist warned, "We can't continue to be so lucky." (The lawmakers made a show of concern in evicting the press corps, the secretary of state and lieutenant governor from the historic west wing of the Capitol — while continuing to convene in it themselves. Whether such concern was based on fear of an earthquake or hope for a new building is open to speculation.)

As for other public buildings, since the collapse of the

The author, a student at the University of California at Davis, studied seismic safety as a Journal *intern.*

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Veteran's Hospital during the San Fernando quake, hospital construction standards have greatly improved. Foundation and surrounding earthquake conditions of proposed sites are now subject to review by the California Division of Mines and Geology. And magnitudes of what is called the "maximum credible earthquake" — the most damaging earthquake that could ever occur on a given fault — must be determined on all potentially active faults located within a 100-mile radius of the proposed hospital site. In short, all new hospitals must be built to withstand the "100-year probable earthquake event".

Public utilities

Construction now must also ensure that every piece of equipment inside a building can continue functioning under a tremor. This requirement added a new dimension to the field of seismic safety since, if hospitals must be able to continue to function during a major earthquake, then so must any other facility critical to meeting emergency or recovery situations. Fire stations, police stations, jails and communication centers have all now come under legislative consideration. Implementing design features for new critical facilities requires the highest jumps in construction costs for seismic safety. Consequently, what becomes expendable is controversial.

Lessons from the San Fernando quake point also to the need to extend these construction standards to public utilities. The quake caused extensive damage to electrical power systems and transmission pipes, and the aftershocks delayed repair of broken mains for up to eight months. Still, with two exceptions, there is no legal requirement to design such facilities to withstand earthquakes. (One exception deals with nuclear reactors, where the federal Atomic Energy Commission plays a dominant role; the other covers the 1,200 non-federal dams and reservoirs in the state, over which the Division of Safety of Dams of the Department of Water Resources exerts an influence.)

Not all of California faces identical earthquake hazards [see map]. Earthquake activity has been much greater along the coast than in the north Central valley area. Hazard from structural failure also varies according to the soil type on which a building is built. (Explained David Hill, a geologist for the state Department of Water Resources: "I would rather have a single-story wooden frame house on solid bedrock at Bodega Head, one-quarter mile from the San Andreas fault, than, say, in Roseville, 50 miles from the fault, on unconsolidated, water-saturated alluvium.") So far, however, legislation has not differentiated between high- and low-risk areas. Said Clarence Allen, a Cal Tech geologist who served as a technical adviser to the Alquist committee: "No part of the state is very far from a fault, and it would be a tragic mistake to allow relaxation of our high seismic requirements on school buildings, for example, just because a particular community had not suffered a damaging earthquake within the short historic record."

The San Fernando quake convinced the Alquist committee that short-term local seismic history is not in itself an adequate base for establishing earthquake risk. The 6.4 magnitude tremor registered on the Richter scale early on the morning of February 9, 1971, occurred along a fault not previously thought active. That experience led the committee to assume that all of California is a relatively high and relatively uniform earthquake area.

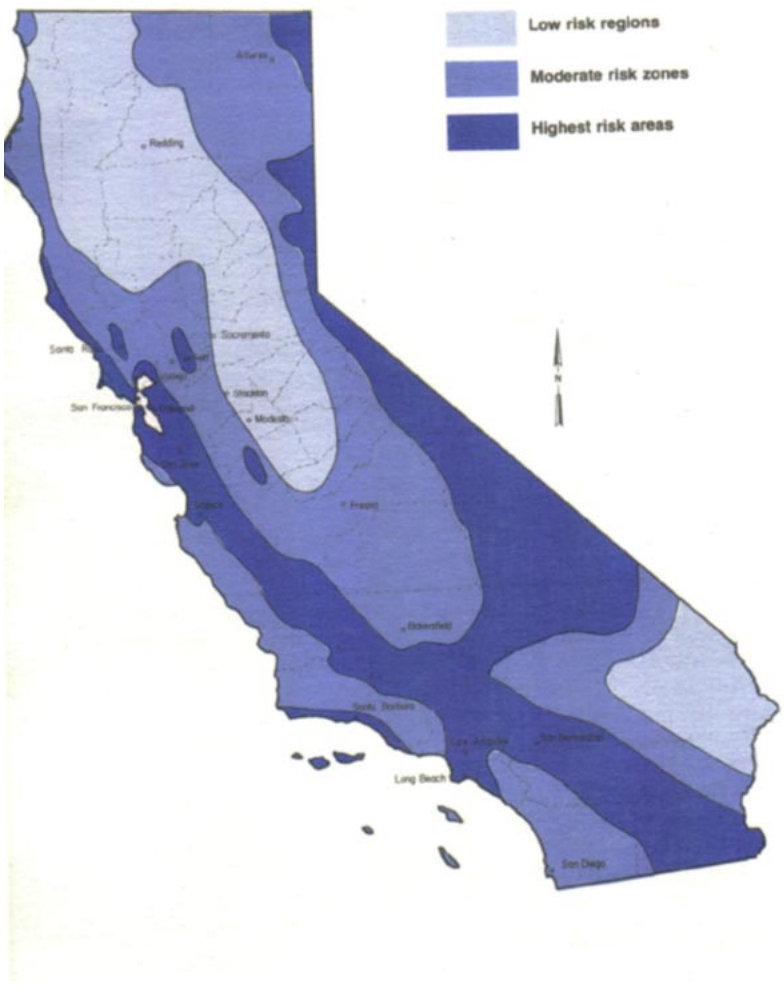
Need for knowledge

The greatest earthquake threat to life and property in California is from shaking. This is also the earthquake phenomena geologists know least about. To expand knowledge of these motions and forces, the Legislature in 1971 instituted a seismic monitoring program to seek the kinds of stresses that should be taken into account. Some 170 "strong-motion instruments" have been installed throughout the state to help delineate areas of greatly different hazard from shaking. An obvious problem that engineers can design for, though, is fault-rupturing and ground-shaking. The precise location and identifications of all hazardous faults within or near a zone of potentially active faults is being mapped by the California Division of Mines and Geology. One result of these studies will likely increase the land area in California subject to the Alquist-Priolo Fault Zone Act, which prohibits building any structure for human occupancy 50 feet over an active fault.

Still, earthquake-risk studies are only beginning in California. It took the San Fernando quake to shake the Legislature into looking at the entire state's seismic problex. A central problem remains in defining what is the acceptable level of risk — a task now assigned to all municipalities through a seismic safety element in the city general plan.

With the help of the San Fernando quake, the Seismic

California's Earthquake susceptibility



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Safety Committee believes that the level of public acceptance toward earthquake preparedness has been increased. Senator Alquist said that the committee had made progress in dispelling what he called a fatalistic public attitude toward earthquakes — a belief that little can be done to resist the forces of a great earthquake and that, in any case, the chances of such a quake hitting a given area are too remote to justify prior action.

More of the same at the grassroots

What will it take to force a major reorganization of local government in California? Based on the assumption that the present county-city-special district system is duplicative and inefficient, numerous studies have been undertaken to seek ways of modernizing local government in California, but with little effect:

- The report of the Reagan administration task force was still-born.
- The action plan of the League of California Cities is practically forgotten.
- The Legislature's efforts have failed to produce a Bay Area regional government (although some bill may eventually emerge from the current session).
- The modernization commission report of the County Supervisors Association endorses, in effect, the status quo.

Is there any real need for a major overhaul of local government? And if there is, will the people buy it?

The citizens of Sacramento County last November were presented with a new charter consolidating the City of Sacramento, the County of Sacramento and most special districts within the county. The plan, which included a community-council provision for the solution of neighborhood problems, was drafted by an exceptionally well-qualified panel. The product was viewed as an experiment that might spread throughout the state. But look at the results of the balloting:

Countywide — 51,457 (24.6%) yes, 157,789 (75.4%) no.

City of Sacramento only — 30,351 (36.6%) yes, 52,561 (63.4%) no.

Why did the measure fail so dismally, especially among city voters who might have benefitted financially from establishment of a regional government since all county residents would be helping to pay for central services? The answer seems to be that there was no scandal or other compelling reason for the public to vote for a change, especially in a time of economic uncertainty. The people in California distrust government in general but they are probably most satisfied with the government agencies closest to them — their counties, cities and special districts.

Chances are strong, therefore, that local government in California will have changed little by the year 2000. Very few cities, counties and special districts will have merged or been eliminated. Only in the San Francisco Bay Area will there likely be a powerful regional government, but it will not supersede cities and counties; instead, it will work on strictly regional problems. This will mean that the regional agency will exercise veto power over some actions of cities, counties and special districts — which is one reason why local government has been fighting hard to have the governing board of the regional agency proposed by Assemblyman John T. Knox of Richmond composed primarily of county supervisors and city council members.

Boiled down to its essential ingredient, all the discussion of local-government reorganization and modernization can be translated into one question: Shall there be regional government of one form imposed upon the state's metropolitan areas? This is the central issue of *Design for Decision,* the preliminary report of the County Supervisors Association's modernization commission. This study, presented publicly for the first time at the organization's annual convention in Anaheim in November, comprises two parts — an inventory of some 130 services provided by local government and a series of "modernization" proposals. Here is a summary of what this means to the commission chairman, Donald F. Peterson of Humboldt County:

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- County government is alive and quite well in California, despite rumors to the contrary.

- Local agencies must learn to join together to solve problems that cross boundaries.

- Local government must have more flexibility and seek solutions without turning elsewhere for help.

- That government closest to the people governs best.

In other words, the commission wants the state and federal governments to get off the backs of local government and let cities, counties and special districts do their thing. Based on present trends, this is wishful thinking. By the year 2000, there will be even more controls on local government from Sacramento and Washington — especially in the vital field of land-use regulation.

At odds with regionalism

The first task undertaken by project director Lee J. Drake, former San Joaquin County administrator, was to compile a catalog of public services and functions — from agricultural education to workmen's compensation and safety training — and determining which branch of government is best capable of providing that service. Surprise: the county was adjudged most capable of providing 71 of the 130 services.

This study led the commission into a series of conclusions and recommendations that line up strongly at odds with the concept of regional government. The major proposals:

- That local government resist any externally imposed system that ignores the reality of statewide differences or further erodes local determination.

- That counties and cities adopt a policy encouraging locally initiated systems to solve area-wide problems.

- That a joint Supervisors Association-League of Cities council be established to give local government a greater voice in the state legislative process.

- That a "joint jurisdiction problem-solving system" be employed as an alternative to externally imposed regional organizations.

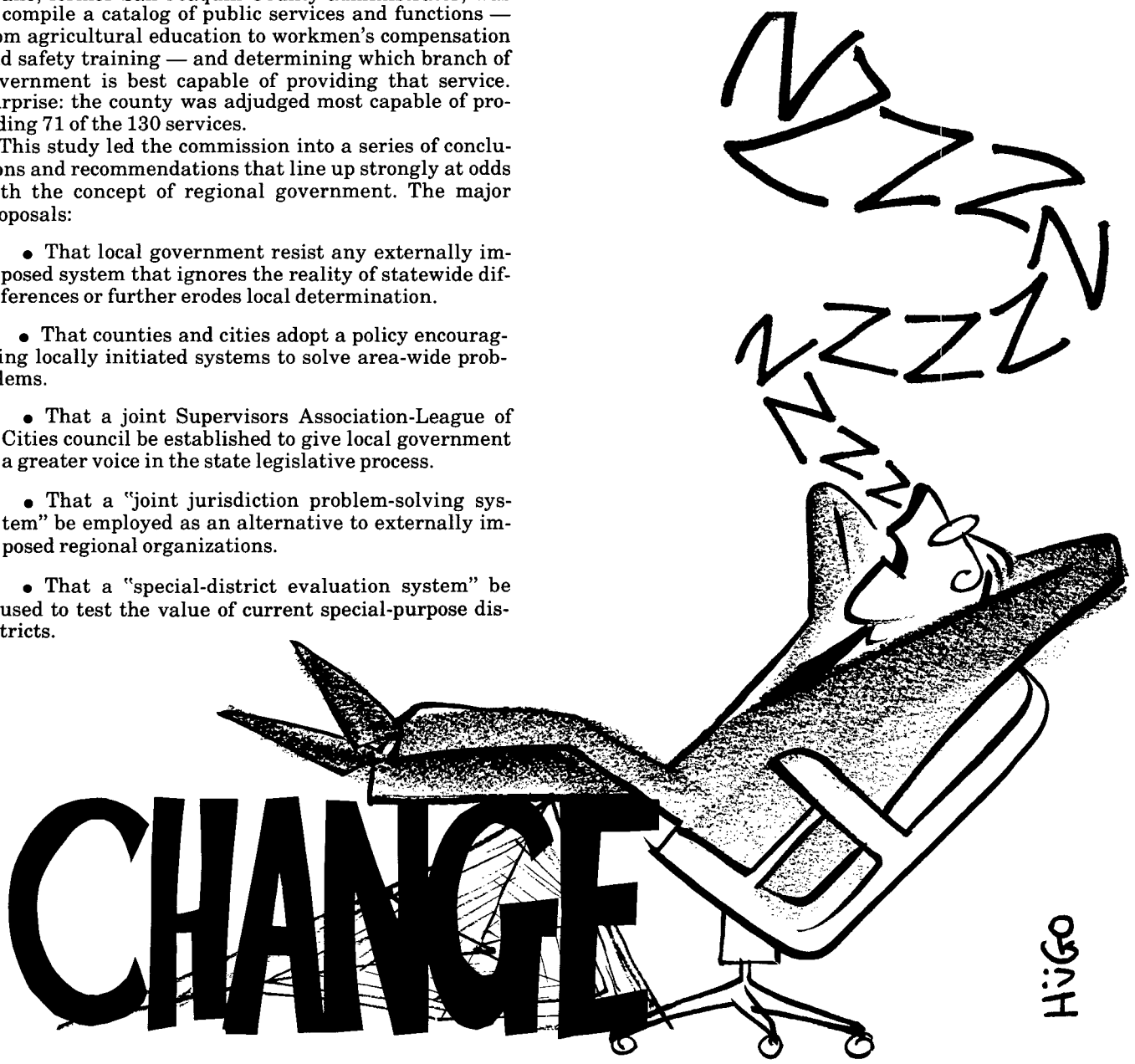
- That a "special-district evaluation system" be used to test the value of current special-purpose districts.

- That county expenditures for welfare, Medi-Cal and the courts be transferred to the state.

- That the local cost of a program be directly related to the amount of local control over it.

- That local government be allowed to restructure itself through local option and that the voters decide whether county officials other than the district attorney and sheriff should be appointed by the supervisors (instead of being elected by the voters).

Drake concedes that the guts of the commission proposal may be "nothing more than a warmed-over joint exercise of powers." In other words, the proposal suggests that local government do something it has been able to do all along — get together contractually to solve problems that cross boundaries. But Drake emphasized that his job was to come up with something practical rather than an abstraction that would gather dust among all the plans that preceded it. On the subject of regionalism, Drake said that, if nothing else, his group



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"grabbed the subject, defined it and came forward with an alternative system."

Diminished authority

In terms of the future, what this means is that any significant changes in the structure of local government — except for those that give present cities, counties and special districts more freedom and more money — will meet vigorous opposition from the state's counties. In recent years, there has been a marked trend in Sacramento and in Washington to give local government additional duties without corresponding authority. Here is how the modernization commission described this development:

> Counties and cities are increasingly given more responsibility through federal and state law. However, the authority to perform these responsibilities is diminished as a result of complex rules and regulations. . . . It is abundantly clear that the state/local relationship has steadily and increasingly deteriorated. As a result of constant enactment of preemptory law and regulatory power, the much-discussed state/local "partnership" simply does not exist.

But while the federal and state governments have applied a strait-jacket on local government in some areas, there have also been additional funds made available for county programs. David L. Nichols, Sonoma County administrator, compiled this list: *New federal programs* — revenue-sharing funds; manpower and training programs emphasizing veterans, the unskilled and minority citizens; community development (outside of large cities). *New state-mandated responsibilities* — care of the mentally ill; various public-health programs; supervision of juvenile criminals who might otherwise go to state institutions; emergency communications.

Despite the cries of the counties, there is no reason to believe that there will be any respite from the imposition of controls on local government by the federal government and the state. The biggest visible threat to local autonomy — and it will be enacted long before the year 2000 — is establishment of a state planning commission to oversee development of the state's open spaces. In fact, the time may come when virtually every construction permit will have to be cleared by a state agency. That is already in effect for those lands within the jurisdiction of the state coastline conservation commissions and the San Francisco Bay Conservation and Development Commission (BCDC).

The success of BCDC has led legislators to use it as a model for creation of new commissions (including the new state energy commission) with veto power over actions of other agencies of government. The BCDC formula will continue to be used by the Legislature unless the formation of powerful regional governments should somehow suddenly become popular with the electorate.

But except for those directly involved, who really cares about the complex network of local government agencies in California? The public knows only that services are good, fair or bad. Voters are sceptical about change, especially when they are unsure of the benefits. Barring a major local-government scandal, a revolutionary reorganization of local government seems unlikely during the next 25 years. ED SALZMAN

It was said . . .

> The shrill voices of the environmentalists must be stilled. We must clean up the environment; we must make workers' safety more apparent to every single employer in the country. But let's take a little bit more time than we have been taking in the past.
>
> *. . . by Allan Grant, president of the California Farm Bureau.*

> Most of you have some parliamentary experience. My advice to you is to forget it.
>
> *. . . by Chief Clerk James Driscoll, lecturing the newcomers to the Assembly.*

> He is one of the greatest people we've ever had. We would like to have Mr. Brown reappoint him. As far as we're concerned, he is fabulous.
>
> *. . . by Aneeta Brown, president of California State Employees Association Chapter 134, speaking of her members' boss at the Department of Motor Vehicles, Robert C. Cozens.*

> Often you can't divorce your own philosophies from the law. Fortunately, in this court of last resort, you have seven people of varying backgrounds and, in the end, you get a composite view of things.
>
> *. . . by retiring state Supreme Court Justice Louis H. Burke.*

> At this point, I don't know Jerry's thinking. I think I can be very helpful and I believe in being loyal to the leader. I want to develop a better relationship with him. If I get half of what Finch and Reinecke got, I'd be in very good shape.
>
> *. . . by Lieutenant Governor-elect Mervyn Dymally, in remarks to the National Press Club in Washington, D.C., on his relations with the Governor-elect.*

> I hope that I'm wrong, but I think that's yet to be seen.
>
> *. . . by Houston I. Flournoy, unsuccessful Republican nominee for governor, in reviewing his campaign pronouncement that his successful opponent, Democrat Edmund G. Brown Jr., would be a "disaster".*

> Children will not believe what they read if it is obviously contradicted by what they see. And what they see is a school structure that exploits women.
>
> *. . . by Lieutenant Governor-elect Mervyn Dymally, addressing the California Teachers Association.*

> We've done our licking and sticking and stuffing envelopes. We've washed out coffee cups and handed out brochures. Now we're saying we want to be where the decisions are being made.
>
> *. . . by Janet Gray Hayes, San Jose's new mayor, the only woman mayor of a major American city.*

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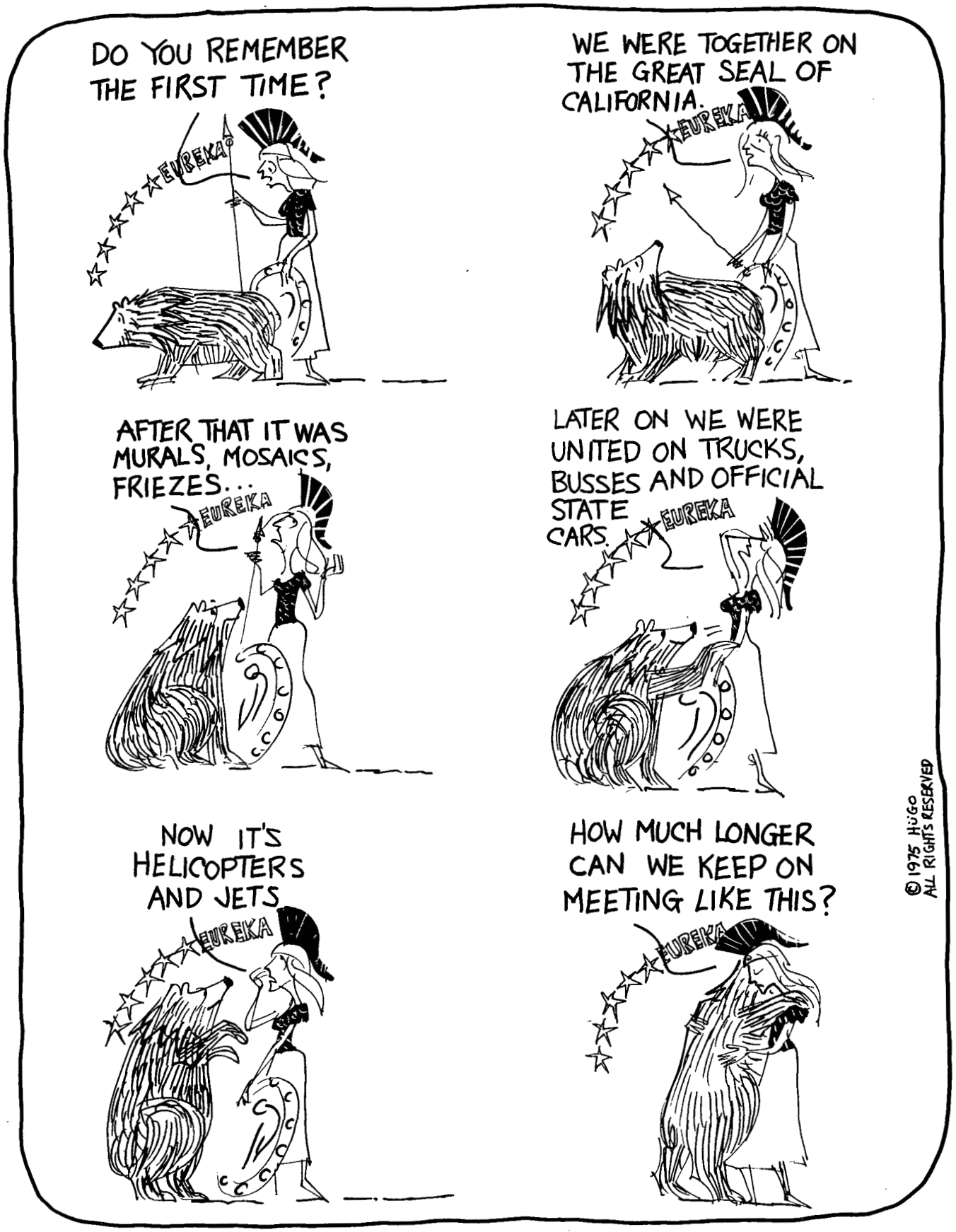
Caucus

by HüGo


DO YOU REMEMBER THE FIRST TIME?
EUREKA
WE WERE TOGETHER ON THE GREAT SEAL OF CALIFORNIA.
EUREKA
AFTER THAT IT WAS MURALS, MOSAICS, FRIEZES...
EUREKA
LATER ON WE WERE UNITED ON TRUCKS, BUSSES AND OFFICIAL STATE CARS.
EUREKA
NOW IT'S HELICOPTERS AND JETS
EUREKA
HOW MUCH LONGER CAN WE KEEP ON MEETING LIKE THIS?
EUREKA
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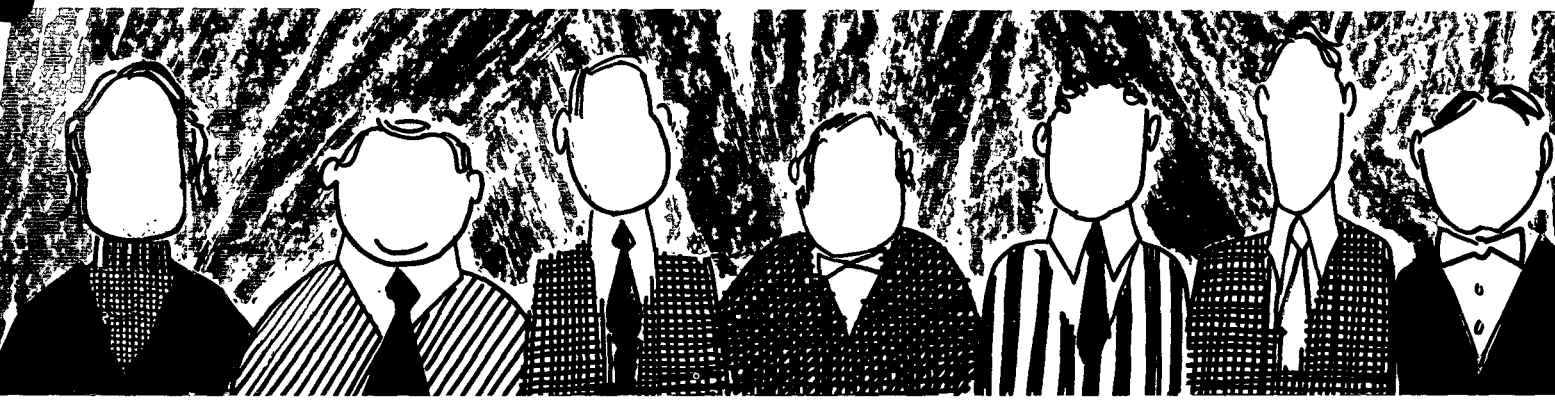
New Faces of 1975



Brown and the youthful new spirits

By BRUCE KEPPEL

The cast of New Faces of 1967, a troupe that came to Sacramento under the soubriquet of The Creative Society, is going off-stage left — or perhaps right — to be replaced by New Faces of 1975. As the title song from the periodic revue has it:

You've never seen us before
We've never seen you before
But before this evening ends
We hope New Faces and you will be good friends!

It is easy enough to push analogies too far, and this one has gone far enough, but the out-going Ronald Reagan troupe and the incoming cast of Edmund G. Brown Jr. have in common a rejection of political experience as it might have been defined by, say, Edmund G. Brown Sr. Said Pat Brown's son, regarding the youthfulness of his entourage: "What do you get when you get a man with experience? Maybe a hack, right? Sometimes, you need a fresh look at things. And that time is now." And yet, Jerry Brown is not about to leave a base completely uncovered. "I think you ought to learn from those who have been at it for a long time," he added.

As a result, the Reagan-Brown transition differs markedly from the Brown-Reagan transition that preceded it eight years ago (at least in Reagan's recollection of a shake of the hand, presentation of a hefty deficit and a cheery "good luck!"). This change-over has been marked by a notable paucity of revelations regarding the composition and character of the New Spirit administration to come. Nonetheless, the state's new Governor has been working intensively, aides say, on the machinery of installing his first administration. This work has focused on two essential elements:

- Completing the budget begun by the Reagan administration to meet urgent printing deadlines and a January 10th presentation date.
- And screening a flood of applicants — initially flowing at the rate of 250 a day — for administration jobs.

'No new taxes'

Of these two elements, the budget has had to take precedence, at least in terms of Brown's personal involvement. Two of his newcomers, Ed Hamilton, 35, and Leonard Ross, 29, have been working with Edwin Beach and Roy Bell of the Department of Finance to draft a series of budgetary options for Brown. These decisions are circumscribed by a statement Brown made at the official kick-off of his election campaign last Labor Day — namely, that his administration would not raise taxes. This he renewed last month: "I said there'll be no taxes, and I'll stick to that."

In the face of eroding state revenues, that self-imposed limitation will, if maintained, sharply limit legislative initiative in terms of programs carrying high price-tags. Assembly Speaker Leo McCarthy, freshly re-elected in the brief December organizing session, supported Brown's position. "We'll be thinking," he said last month, "of closing loopholes, like the oil-depletion allowance and tax shelters that people use for write-offs."

Executive action

The character of the first Jerry Brown administration, therefore, will be marked more by executive action than by legislative action. In any case, installing the right persons in key administration jobs has had an even higher priority, in Brown's mind if not time, than the budget (where the urgency was one more of printing deadlines rather than of substance, since the final document will be assembled over the next six months, in a period of considerable economic uncertainty). The importance of Brown's budget presentation January 10th will thus derive less from the document he deposits with the Legislature than in the clues to policy goals his remarks are expected to contain.

The importance attached to program-oriented jobs, as opposed to Governor's-office jobs, is demonstrated by the fact that Brown has taken on about half as many personal staff members as Reagan has. He also announced that two of his closest advisers — Tom Quinn, 30, and Richard Maullin, 34 — will assume responsibilities in two key program areas: energy and air pollution. Moreover, while Gray Davis, the 31-year-old who lost the Democratic nomination for state treasurer to Jesse Unruh, is operating as Brown's executive secretary, the job is described as more that of a coordinator than of alter ego to the boss, as was the case with Reagan's chief executive, Ed Meese.

The Brown forces have dispatched representatives to

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'Sorry, I don't dance!'

conduct what Brown has called a "top-to-bottom" study of state agencies. This, as much as anything, is the tip-off as to what may be expected from the administration in its first months: a reappraisal and, as warranted, a reassertion of executive branch action before turning to legislative remedies. Brown's term as secretary of state, his aides confirm, will likely be the best model of a Brown administration. The once-musty and archival character of the secretary of state's office was transformed (critics say by press releases) into a vigorous arm of electoral and campaign law enforcement. This, in turn, led to support of electoral and campaign law reforms [see "Open government initiative," *CJ,* November 1973]. One likely target of such a high-visibility approach is the Department of Consumer Affairs, whose essential nature remains more closely linked to the businesses and professions it regulates than to consumers generally; aides see much legislative latitude in existing law for "turning the department around".

Safety in numbers

Taking the time to administer existing agencies before seeking legislative reorganization is a strategy not threatened by the prospect of a politically altered Legislature. The Democratic administration will be able to count upon the substantial Democratic majority in both houses — 54 to 25 in the Assembly with a formerly Democratic seat vacant, and 25 to 15 in the Senate — at least until 1976. And there is more than sheer numbers favoring the Brown administration.

The Legislature also inclines more noticeably to the left as a result of the November elections. This shift showed up most dramatically last month in the Senate; James Mills of San Diego not only retained his job as president pro tempore but also saw his arch rival, George Zenovich of Fresno, bounced from the controlling Senate Rules Committee in favor of a politically liberal and urban-oriented senator, Nicholas Petris of Oakland. David Roberti of Los Angeles, no less liberal nor urban-oriented than Petris, replaced the Oaklander as leader of the majority caucus.

Lost legacy

Those moves were followed closely by the stepping aside of Randolph Collier of Siskiyou County (whose reputation for political shrewdness would seem to confirm the strength of the liberal take-over) as chairman of the Senate Finance Committee; his replacement, Anthony Beilensen of Beverly Hills, is one of the Senate's most liberal members. Collier, the so-called father of the freeways (one wit suggests *My Son, the Freeway* as a title for Collier's autobiography) requested chairmanship of the Senate Transportation Committee.

In the lower house, McCarthy's rival, fellow-San Franciscan Willie Brown, was shifted to a windowless office after his decisive loss to McCarthy in the speakership vote. McCarthy's victory meant little in terms of lower-house ideology, however; its significance would stem from the ending of the legacy of Bob Moretti's speakership, whose standard-bearer was Willie Brown. The increased liberalism in the Assembly was occasioned by the voters themselves.

Birth of an administration

While visions of legislative initiative were thus likely dancing through lawmakers' heads over the year-end holiday [see "1975 legislative preview," *CJ,* December 1974], Governor-elect Brown was reported to be snuggled into his Laurel Canyon home, sipping Fresca and conferring with his closest aides, who seemed to include, besides Quinn and Maullin from his secretary of state staff, Gray Davis and attorney Anthony Kline of San Francisco. From these sessions will emerge the budget message and the January 6th inaugural address, which will replace the speech Reagan called the "state of the state" in imitation of the presidential state-of-the-Union.

These sessions were punctuated by brief visits to Sacramento to work on the budget and look at a potential gubernatorial residence atop an apartment building opposite Capitol Park. One of the two firm decisions made public in December was Brown's declaration of "a plague on both your houses": he will live neither in the Governor's Mansion at 16th and G Streets, which is now an historic site administered by the state, nor in what he calls the "Taj Mahal" being realized in fulfillment of a Reagan dream on a river-view bluff adjoining a county golf course in suburban Carmichael. "I'm not going to live in the new mansion," said Brown, "and I certainly think any lawful and sound approach to terminate the construction is in the best interests of the state." (Brown's aides are looking into ways of paying off the contractor, and the options of halting construction or maintaining a vacant large structure for up to eight years contain potential problems.)

No festivities

The other firm decision made public had to do with the inaugural events. Tuxedo festivities are out. "An inaugural ball in 1975 just seems out of phase with the way I see government . . . . It just doesn't fit into my style, the way I operate . . . ." Brown said. The swearing-in ceremony will take place before the Legislature, followed by delivery of the new Governor's first major policy address.

So the Brown administration's grand lines can, on the eve of its inauguration, be described as lacking in ostentation and peopled by young, earnest people — mostly white males with legal backgrounds and close personal ties to the Governor-elect and with but slight acquaintance with government as she is spoken in Sacramento. These political new faces will be moving into the agencies and offices of the fledgling administration in the next few months. They will replace a small handful of Reagan carry-overs and a larger band of ranking civil servants promoted to acting directorships.

That initial image may be deceptive, however, because Brown is firmly committed to raising both the numbers and the visibility of females and minorities in the higher levels of government, and his entourage does include representatives of these groups. It remains to be seen, though, just how the New Spirit will move Jerry Brown.

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The more things change, the more they remain the same. — Alphonse Karr, 1849.

Farewell to Sacramento:

Capitol reporter's plan for legislative reform

By MARTIN SALDITCH

During the past ten years of covering the California Legislature, I have gone through two precedent-setting reapportionments, two constitutional reforms, four Assembly speakers and four Senate presidents pro tempore. Two-thirds of the 120 legislators in office in 1965 when I arrived in Sacramento were gone by the end of 1974.

The past decade has certainly been one of great change as far as persons, procedures and issues are concerned. But, in my view, it was not one of basic change in voting motivations and product. Despite an increase in its annual budget from $10 million to $52 million during that period, including full-time salaries for the lawmakers, I do not think the integrity or the quality of the Legislature has improved much.

Take, for example, the recent disclosure that then Assemblyman (now Senator) Alex Garcia, a Los Angeles Democrat, wrote the following to the Los Angeles County marshal in 1973 after the "fixing" of some traffic tickets:

> Just a little note of thanks for your assistance. I will endeavor to reciprocate whenever you have a problem before any one of our committees or you need a vote. Please do not be misled by a bill I am going to introduce which is for political reasons only.

This has stirred no public outcry to match the early-pension bonus repealed in October, but the attitude it reflects constitutes a far more dangerous and expensive threat to honest government.

Perhaps the only surprising thing about Garcia's pledge is that he committed it to paper. It is more common to whisper such things in Capitol corridors or hearing rooms. Nevertheless, Los Angeles County District Attorney Joseph P. Busch found no bribery or other prosecutable offense in this and other ticket-fixes for legislators. And there has been no move by the long-dozing ethics committee of the Legislature to even look into the matter.

The California Legislature, as a body, is just too rich, too lazy and too morally insensitive for its own good — or the public's. As Oscar Wilde said of himself, the Legislature "can resist everything — except temptation."

Outside pressure

Because of inaction internally, reform has been imposed from without. The combined pressure from the public and the press that led to repeal of the reapportionment pension bonus in special session is one example. Passage of the political reform initiative, which practically eliminates lobbyist-paid wining and dining of lawmakers and prohibits any involvement by the "third house" in campaign contributions, is another. It was the Legislative Birdwatchers in 1972 who led the movement that resulted in published roll calls of committee votes, which previously went unrecorded.

There is one major exception to outside pressures causing reform. For years, the Senate put up with the secretive tactics of its autocratic Finance Committee chairman, Randolph Collier, before rebelling last June and rewriting his pork-barrel state budget bill. Seeing the hand-writing on the wall, Collier later authored a new law that will prohibit the budget conference committee in the future from inserting any new items.

That restriction, as well as the opening of the budget conference committee to the press and public in 1974, may be the most significant reforms of the past decade. Certainly not the Legislature-submitted constitutional amendments of 1966 and 1972, which gave us first the

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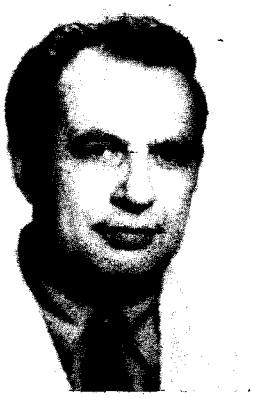
As Sacramento Correspondent for the Riverside Press-Enterprise, *Martin Salditch earned a reputation as one of the Capitol's most perceptive observers and sharpest critics of the Legislature. He recently departed for Washington, D.C., to become his newspaper's first staff correspondent there. At the* Journal's *request, he wrote this assessment of the state of the California Legislature and offered his proposals for its reform.*



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one-year and then the two-year session, plus full-time pay.

In defense of the last amendment, Assembly Speaker Leo McCarthy cites fewer days in session and consequently less spent on living-expense payments, and fewer bills introduced during 1973-74 compared to the prior two years. But "less" doesn't necessarily mean "better". Were bills better drafted or more carefully considered in committee or on the floor? Were more votes cast on the merits or demerits of a bill, rather than to grant a favor to a lobbyist or fellow legislator? Was the rubber-stamp passage of bills at the end of the session any less a parody of representative government?

Parting shots

And maybe the Legislature should spend more than seven or eight months of the year in session, or increase their usual Sacramento work week from three days to five. It would be worth the cost to avoid that last-weeks' logjam that allows bad bills to sneak through. Perhaps McCarthy in his first full year as Assembly leader will carry out procedural reform pledges, including an end to members pressing the electrical voting switches for absent colleagues, a practice ruled unconstitutional in 1972 by the Legislature's own counsel.

My own recommendations for legislative change include the following:

- *An end to widespread suspension of the rules during the last weeks of the session.* These rules protect the public against bills being rushed through committees and the floor without adequate scrutiny. Their suspension should be permitted only for bonafide urgency measures.

- *Public disclosure by the Legislature of its detailed, annual budget, instead of the lump-sum figures submitted for the governor's state budget.* And some independent check is needed on the Legislature's power to spend as much as it damn well wants, since it can override any governor's reduction veto.

- *An end to the mushrooming of legislative staff and space, primarily for political and ego-massage purposes.* Too much policy-making is being determined by staffers, while legislators become mere fronts. The admittedly greater research tools now available are not properly utilized.

- *Proxy-voting in Assembly committees should be eliminated.* Committee members should have to be present to hear testimony in order for his or her vote to be counted.

- *The legislators' pension system should be made more self-supporting by increasing the existing salary contribution rate* (four percent for pre-1972 members, eight percent for the others); and the $30 daily living expense payment should be at least limited to work days in Sacramento and not seven days a week as is now the case.

- *The new state controller should utilize his power to disapprove payment of legislative trips, contracts and expenses.* This would discourage obvious junkets, such as the Collier-and-staff journey to western Europe in 1973.

Finally, the $70 million (or more) question: Should there be a new Capitol building? Absolutely not. All that is required is a staff annex at such a site as 10th and N Streets just across the street from the century-old Capitol.

As for the Capitol itself, it should be repaired or rebuilt as is. It adds a good deal more dignity and grace to state government than the body it houses.

Now there are two California Journals

Starting this month, television viewers throughout California will be able to watch the TV edition of *California Journal* on a network of 11 public broadcasting stations.

"California Journal" has been running weekly for several months on KVIE-Channel 6 in Sacramento. It features reports and analysis of state political and governmental issues prepared and produced by the staffs of *California Journal* and KVIE.

The program is scheduled to be televised statewide the week of January 5th on the following stations:

Sacramento — KVIE-Channel 6
Los Angeles — KCET-Channel 28
Los Angeles — KLCS-Channel 58
San Francisco — KQED-Channel 9
San Diego — KPBS-Channel 15
Eureka — KEET-Channel 13
Huntington Beach — KOCE-Channel 50
Redding — KIXE-Channel 9
San Bernardino — KVCR-Channel 24
San Jose — KTEH-Channel 54
San Mateo — KCSM-Channel 14

Check your newspaper's television guide for the day and hour of "California Journal" in your area.

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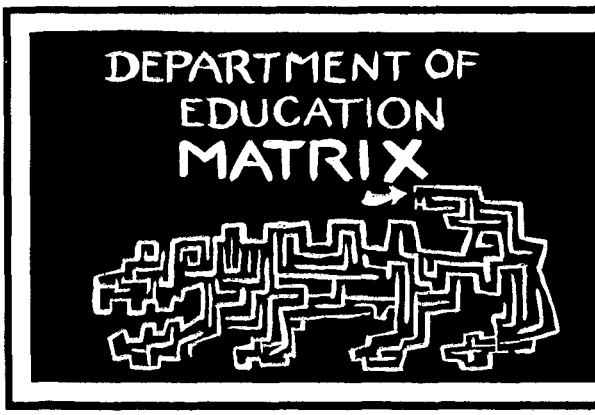

Riles' 'impossible' task: Taming of the bureaucracy

By VONNIE J. MADIGAN

Public education in the seventies has been besieged by the same problems that riddled college campuses a decade ago — drugs, violence, vandalism, widespread disenchantment. Parents complain that school districts are neither teaching their children to read and write, nor preparing them for entry into the work force. Critics cite "permissiveness" in the educational system. Others question whether any system can succeed in dealing with a population as diverse in make-up and expectations as California's.

The focal point for public primary and secondary education in California is the state superintendent of education, Wilson Riles, and the Department of Education he heads. How important a role they actually play in public education is an open question, however.

Riles' personal popularity — he was re-elected by a 68 percent majority in last June's primary — has provided him with an improved power base while also saddling him with greater responsibility for the quality of education in California. And yet, Riles' ability to improve education comes more from his personal qualities as an advocate of the children than from his position as head of the state Department of Education. The reason is that public education in California remains essentially decentralized in local school districts. Nonetheless, Riles' administration will face tough leadership challenges in such fundamental areas of statewide concern as school finance and questions on teacher training and credentialing. Coupled with such issues are the increasing incidence of school violence and vandalism, classes that may still be too large, and challenges to the "relevancy" of existing curricula. The days of temporary solutions appear to be numbered, and the basic structure of public education in California has now been called into question by the state Supreme Court's challenge, in *Serrano* v. *Priest* to the way it is now financed.

Functions and responsibility

Riles' department disburses $2.1 billion of the $6 billion spent in the state for kindergarten through grade 12. The department's own $60 million operating budget ($34 million of which comes from the federal government) covers administration of such programs as bilingual instruction and early-childhood education being offered to the state's 4.3 million school-age children. About half of this total pays for special-education schools and related operations.

Responsibility for policy-making for public schools rests with the Legislature, the state Board of Education, Riles and the Governor. Although the Legislature constitutionally has the responsibility for law-making, the Riles administration initiated 16 bills last session, 12 of which were signed into law. The department's governmental affairs office, a Riles innovation, is credited with the legislative success ratio, which has resulted from development of an effective working relationship with the Senate and Assembly Education Committees.

Mary Bergan, lobbyist for the California Federation of Teachers, AFL-CIO, described the state superintendent's position succinctly in noting that a nonpartisan job is not necessarily nonpolitical. "It all gets down to what people want the state superintendent to be," she said. "If he is to provide some educational leadership, then you are going to have to accept that the programs he proposes are based on certain assumptions as to what is good and bad. On one hand, people expect the superintendent to be some great leader and, on the other hand, whenever there is any threat to local control they go absolutely bananas."

Bureaucratic isolation

The Department of Education's major functions, besides disbursing money, are twofold: To support individual schools and districts, and to coordinate implementation of the education programs passed by the Legislature. With its new legislative office, the department has also become a major initiator of educational legislation. There is no kind description of the 2,300-employee department, noted previously for its individual program fiefdoms, bureaucratic disappearing acts and inability to settle on over-all priorities. Since 1971, though, a degree of centralized order has been imposed, at least on paper. (Some employees complain that the so-called matrix reorganization scheme defies human comprehension.)

Over the years, as new programs were added, new offices were created to administer them, and these programs operated with a fair degree of ignorance regarding other departmental activities and services. The reorganization instituted in 1971 aimed at overcoming this bureaucratic isolation and its resultant lack of coordination in program management. This was achieved by dividing the five basic programs — vocational education, special education, general education, compensatory education, and child development — into the three basic age-spans in which they are taught: elementary, secondary, and adult. Thus, an elementary school administration can deal with one primary office for many of its program needs.

As part of this structural realignment, called a "matrix" system by its planners, the department for the first time required school districts to consolidate their appli-

The author has previously written for the Journal *on the California Chamber of Commerce and on horseracing.*

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cations for special state and federal funds in an effort to eliminate duplication while also letting the department's top management know more precisely what revenue was going where. This recasting has instilled a degree of flexibility within a department known for its inertia and bureaucratic complexity. Whether it changes much for outsiders in their dealings with the department is open to question. Said Don Baer of the United Teachers of Los Angeles: "We have to shoot off sticks of dynamite to get their attention."

Staff shake-up

Riles has also attempted to promote some younger staff members over more senior employees through use of testing and "by picking the third guy on the list." He concedes that doing so has upset some department employees. "People feel more comfortable when they are working in a situation where it is limited, they don't have to talk to anybody else, and they don't have to work together," he said. "We have changed that." Some longtime employees quit, although that was not necessarily a loss. "We had some 40-year employees over there, and it was not healthy," said Paul Holmes, consultant to the Assembly Education Committee. "They hadn't got a new idea since they had taken their jobs. People are leaving the department and new people are coming in. It can't be all bad."

Riles welcomes new blood and would like to find a way to draw more talent from business and industry. For this, however, he would need more non-civil-service jobs. He does have the flexibility to "borrow" up to 10 percent of his employees from local school districts. But a salary scale that is lower than that of many urban school districts inhibits recruitment of top people. (Riles' own salary of $35,000 a year is much less than that paid some urban superintendents of school districts.) Consequently, educators with experience in generally lower-paying rural districts are more heavily represented in the department.

Who controls education?

While rendering some order to the department's former bureaucratic tangle, the prospect of a super-efficient state educational agency is not without awakening some fear by local districts of loss of control to a state agency. These districts complain that local control of schools is a myth and that local school boards are often bypassed in the state's decision-making process. "The department often exceeds its authority by making recommendations that are not fully mandated, as in program-planning-budgeting," said Mary Bergen of the California Federation of Teachers. "The latitude given to Riles because of the liberal Legislature makes us uneasy because they are not looking to the next guy who comes along. Under [Riles' predecessor, politically conservative Max] Rafferty, there was a retrenchment, with the Legislature taking back as much as it could. There is a real trend toward centralization."

Early-childhood education

Riles also has reduced the number of commissions and advisory committees. The use of task forces allows the department to draw on experts outside the department while holding down expansion of permanent staff. Task-force findings can result in legislation. This was the case with early-childhood education, which was implemented within a year of the task force report recommending such a program.

Early-childhood education is undoubtedly the best-known program born of a department commission. Now in its second year, the program is drawing mixed notices. The uneven reception may be due partly to the fact that the program implemented was a greatly modified and substantially reduced version of the original. Most notably, the age of the children to be reached was pushed up from the pre-school level to ages 5-8, and the scope was narrowed to reach about 12 percent of even these children; an additional 8 percent will be covered this year under a $40 million budget, bringing the total to one-fifth of these children.

How it has worked out illustrates the ambivalent attitudes toward the state as a source of support and sustenance. The program aims at insuring that the basic skills of reading, writing, spelling and arithmetic are adequately taught to children in their earliest school years. Early-childhood education is based on the concepts of mixed-age classes and "individualized" instruction made possible by maintaining a ratio of one adult to ten students. A significant feature of the program — one that encourages local-district fear of a growing state educational role — is the authority granted the department to deny funds to expand early-childhood education unless the children already enrolled have achieved the prescribed learning goals. "If we cannot demonstrate that the programs are successful, then we don't deserve support for them," Riles observed. (Customary practice had been to reward schools with the worst achievement with additional state and federal funds to help them remedy their deficiencies; success, on the other hand, was "rewarded" by decreasing aid.)

One problem that surfaced in the first year was what some teachers called a lack of guidelines on how to evaluate their programs' effectiveness. Yet, tightening the guidelines in response to this criticism has generated new misgivings. "They are accepting less and less what faculty and the community wish," one urban-school principal complained. "They are making changes without input from us. We thought that was one of the innovative dimensions of this program. We also thought we were dealing with the 'whole' child. But now they have tied class expectancy into grade equivalents. This doesn't embrace the un-graded, individualized-instruction concept."

Early test results for 74,501 pupils in early-childhood education classes averaged reading gains of 11 months achievement for the 10 months of instruction. This compares with the national average of 10 months gain for 10 months' teaching. The 1,010 schools that participated in the program received $130 per pupil in additional state aid and $195 per pupil for children defined as "disadvantaged".

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Wilson Riles

Although Riles settled for much less than the original commission proposal, the fact of the program's passage in the face of lukewarm support, if any, from the Reagan administration is regarded by many politicos as something of a coup. "The fact he was able to get it through the Legislature and signed by the Governor, even in a watered-down form, was something — considering the Reagan administration's posture on educational expenditures," said Jerry Hayward, consultant to the Senate Education Committee. "You never get what you ask for; you get what you can get."

State board of education

Though Riles, as superintendent of public instruction, is perhaps the most visible symbol of public education in California, he has been rivaled as a headliner in recent years by the state Board of Education, with its controversial concern for the content of approved school texts on such hang-up topics as sex education and theories of evolution versus divine origin.

The members of the state board are appointed by the governor, and they share with Riles the authority for overseeing the state's school system — though mostly in the areas of curriculum policy and textbook adoption. In fact, the board's only constitutional authority is the drafting of lists of approved texts from which local districts can draw, though Riles deals with it in a larger context. "I have been patient enough, before coming forward with a piece of legislation, to work with the board until we are together," Riles said. "There have been compromises on both sides, but when we get to the Legislature our positions are the same. It has been a source of strength in our useful operation. In education, when you want to get something done, you need as many allies as you can get. I work for allies."

Major textbook reform occurred in 1971 with passage of AB 531 by Senator Albert Rodda. This measure shortened the adoption cycle, provided greater flexibility for local districts in choosing textbooks and created a more stable financial base for funding. It hasn't worked as intended, however, and Riles has outlined some revisions that he would like to see in the evaluation process, staffing and relations with publishers.

School finance

The state's role in credentialing teachers was cut by the Legislature in a last move to take power from Riles' conservative and controversial predecessor, Max Rafferty, with passage of the Teacher Preparation and Licensing Law of 1970, the so-called Ryan Act. This law created an independent commission to administer teacher certification standards, with the members appointed by the Governor with the consent of the Senate. Riles is expected to try to regain this responsibility. Since the Ryan Act was strongly supported by the California Teachers Association, the association will be a major opponent of any challenge to the commission, which has had its share of problems, mostly stemming from a lack of leadership.

Another major issue that Riles and the department can be expected to become actively involved in is the question of overhauling the present system of school finance. Passage of Senate Bill 90, a tax-shift compromise worked out by Assembly Speaker Bob Moretti and Governor Reagan, increased state support for schools but remains a small step toward equalizing the educational disparity between wealthy school districts and poor. Before passage of SB 90, the state contributed 31 percent of the $6 billion spent in California for education. SB 90 increased the state's contribution to 41 percent, though the fiscal effect has since been eroded by inflation.

The state Board of Education named a committee to study and recommend changes in school financing to equalize educational opportunity in keeping with the California Supreme Courts' ruling in *Serrano* v. *Priest,* which called such disparities unconstitutional and pointed to use of local property taxes as more than a prime cause. The committee's report, made public in mid-November, would require $1.4 billion in new state funds plus money derived from a statewide property tax. The statewide tax would replace the local property tax by 1979-80.

Whatever solution is finally adopted to equalize educational opportunities for children regardless of where they happen to live, state leadership will be required to help meet the legislative challenges posed by *Serrano.* With Riles and his department the foremost symbols of public education in California, a large part of that leadership will have to come from there, according to Cal Rossi of the California Teachers Association. "It is going to take a reordering of priorities," Rossi said. "It is going to take additional amounts of funds. It is going to take creative formulas for overcoming the accident of birth in a given locale."

Secondary education

This question of rationalizing school finance forces reconsideration of the whole purpose of the educational investment. This has been the focus of the study being done by the California Commission for the Reform of Intermediate and Secondary Education (RISE) which Riles formed last July to revitalize grades seven through twelve, the top priority of Riles' second term.

Working amid problems of campus violence, student boredom and alienation, widespread dropping out and academic failure, the 36-member commission is leaning toward a personalized educational environment for the student "client". "The 'client' will be given the opportunity to make decisions," explained Ernie Hickson, the project's coordinator. "We are leaning toward multiple modes of instruction, toward options and alternatives within the system." Although the specific RISE findings won't be out until spring, the commission reportedly is leaning heavily on educator responsibility.

There is no doubt that the reform of intermediate and secondary education will be a tougher project than was Early-Childhood Education. Riles has stated that he did not form the commission in response to a crisis but to plan the future scope of secondary education; he believes that a child leaving high school must be equipped to earn a living. This position of dealing in the future has alienated some teacher groups, which criticize Riles' department for not getting involved in the "action" issues because of what they see is a fear of failure. "What do I tell a teacher who was raped at an inner city school?" asked Don Baer of the United Teachers of Los Angeles. "That Wilson Riles is working for her safety with a task force?"

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SEA RANCH

From aesthetic ideal to developer's nightmare

By LANCE OLSON and LOUISE MA

The question was going to be answered on the rolling bluffs and grassy meadows of the Sonoma Coast about one hundred miles north of San Francisco: Can a contemporary, affluent, urban life-style be introduced in such a way as to create "an environment in which man and nature, with mutual respect, look after each other in a biologically ordered way"?

That was the concept set forth by landscape architect Lawrence Halprin, who devised the plan for a 10-mile coastline subdivision known as Sea Ranch. A decade later, the answer would appear to be much in doubt. With fewer than 300 of the home sites developed, a dispute over the future of the development between the developers and property owners, on one side, and the California Coastal Zone Conservation Commissions, on the other, has generated a series of lawsuits.

Many of the property owners within the development accuse the North Central Coastal Commission, one of the regional coastal commissions created by the coastline initiative — Proposition 20 — of making a "reckless attempt to destroy it." Pitted against these feelings are the concerns of the regional commission, which by law must consider the environmental effects that would result from construction of some 4,000 dwelling units on this stretch of remote coast.

As a result of the dispute, Sea Ranch's developers, Oceanic Properties, Inc., now claim to have "no way of seeing ahead." And that raises the additional question: If such an environmentally oriented development as Sea Ranch can't be completed, what kind of coastal development will succeed in such an ecologically sensitive area as California's north coast?

Proposition 20

With passage of the 1972 coastal initiative, the state acquired a formidable tool for controlling construction along California's shoreline. And Sea Ranch has figured prominently on the agenda of the North Central Coastal Commission.

The present dispute over Sea Ranch started almost before the regional commission began operation in February 1973. It wasn't long before individual Sea Ranch property owners appeared before the commission seeking building permits to construct their single-family homes. These permit applications brought the regional commission staff to the tentative conclusion that the possible environmental effects and apparent inconsistencies of a private development (which excludes the public) with the intent of the coastal initiative may be "sufficient grounds for the postponement of all development at Sea Ranch" until the coastal plan is completed. The problem for the coastal commissions was summed up by regional Commissioner Robert Mendelsohn, who said in the early days of the controversy, "I don't think there is any way we can live with the present Sea Ranch subdivision if we buy the mandate of Proposition 20."

That mandate is forcefully clear: "No permit shall be issued unless the regional commission has first found . . . that the development will not have any substantial adverse environmental or ecological effect." Weighted against this mandate of the commission is its responsibility to recognize the concept "that lots at the Sea Ranch have development rights which accompany ownership of property."

Property rights and public interest

State Coastal Commission Executive Director Joseph Bodovitz examined this question of private property rights versus public interest. "No coastal zone planning problem," he concluded, "is more difficult than that posed by areas such as Sea Ranch, where scenic lands have been subdivided into small, single-family lots and sold to a large number of individual owners. Clearly, any sound and equitable planning must respect the rights of these owners."

To accomplish that, an ad hoc committee of the regional commission began negotiations with the Sea Ranch Association, which represents the property owners in the development, and Oceanic Properties, Inc. The goal was to satisfy both the demands of Proposition 20 and the desires of the individual property owners. The commission decided to prepare a set of "conditions" to be met in reviewing development permits at Sea Ranch. Individual lot owners could build at Sea Ranch if the association accepted, on behalf of all Sea Ranchers, sev-

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eral important conditions, among them: Removal of some 2,000 trees blocking the view of the ocean from Highway 1, establishment of a septic tank monitoring system, and expansion of public access through Sea Ranch lands to the public tidelands. In addition, certain lot owners would be subject to limitations on height, bulk and size in designing their dwellings.

The Sea Ranch Association and Oceanic, in response to the regional commission's efforts to control development in the area, proposed their own set of conditions. These were contained in a master permit involving eventual construction of 3,900 homes. The commission, watched closely by conservationists, balked at a contractual commitment to allow full "buildout" of the subdivision. It was on this issue that negotiations between the parties broke down early this spring.

Determined to deal with what had now become known as the "Sea Ranch Problem", with or without Oceanic's and Sea Ranch's cooperation, the commission approved the conditions in April. Sea Ranch appealed to the statewide commission, which on June 19th upheld the regional commission.

Environmental deposit

To avoid the charge that lot owners were being held "hostage" while the commissions and the association debated the future of the development, the state commission devised a method by which an applicant could proceed with construction of his or her home. This method would require the applicant to place a $1,500 "environmental deposit" with the regional commission, to be refunded when the Sea Ranch Association agreed to abide by the state conditions. If the association still refused to comply within one year from issuance of the individual permit, however, the deposit would be used to implement the conditions despite the Sea Ranch Association.

So far, the state commission's effort to solve the Sea Ranch problem has proved no more successful than that of the regional commission. By December, only four Sea Ranch lot owners had come forward with $1,500 to commence construction. In addition, the staff of the North Central Regional Commission indicated that the state's effort to free the individual property owner through the deposit may prove impractical. "There are some real problems with the deposit," said David Dubbink, chief planner for the regional commission. Dubbink pointed out that $1,500 may not be sufficient to finance the work needed to meet the conditions in the absence of association cooperation. The regional commission's staff is at work on the problem and has submitted some recommendations to the commission's members.

Michael Fischer, the commission's executive director, estimated the cost of meeting the over-all conditions at $192,700, plus $21,000 yearly maintenance. "Assuming a continuation of the $1,500 in-lieu fee," he said, "the initial cost of $192,700 is the equivalent of 129 houses." Only 17 applications were received in the last year, however, and Fischer concluded that it would take two and one-half to six years to raise the needed funds.

Lawsuits filed

Not making matters easier for the coastal commissions, the Sea Ranch Association has filed a suit seeking to have the overall conditions declared invalid and unconstitutional. Meanwhile, Oceanic sued the commissions after being denied a blanket claim of exemption for the entire subdivision from the permit requirements of the Coastal Act. And the commissions are being sued by conservationists as well. The Natural Resources Defense Council, representing the California Coastal Alliance, contends that approval of the conditions does not "provide for consideration by the commission of the cumulative impacts of total development at Sea Ranch." The council has called upon the commission to declare a building moratorium within the area until state planning work is completed.

It is ironic, in a way, that Sea Ranch, whose developers sought to create an environment where man and nature could coexist, has become a legal battleground. The development that once received international recognition as an outstanding example of such harmony has now been described as becoming "another glorified subdivision".

Still, the question remains: Can an environmentally sensitive development that may result in an eventual population of 10,000 persons ever be compatible with today's environmental ethic? While the Sea Ranch problem may be a "legacy of the past", as Bodovitz once described it, its solution may hold some answers for the future.

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Is Los Angeles County unmanageable?

Arthur G. Will

By JANINE O'CONNOR

A few months ago, Arthur G. Will was earning $49,500 a year as the chief administrative officer of Los Angeles County. In August, he shocked the Board of Supervisors by announcing that he was resigning after 18 years to accept a $6,756 pay cut in becoming chief administrative officer of Contra Costa County, east of San Francisco Bay. Why would a man of 48 give up the top job in the largest county in the nation for a job in a smaller county at a lesser rate of pay? The answer: Will found Los Angeles virtually unmanageable and thought that he would be able to get something done in Contra Costa. So he swapped a $3 billion budget, 81,000 employees and 7.1 million inhabitants for a $200 million budget, 6,000 employees and a population of almost 600,000.

Face-to-face relationship

The way Will sees it, for only a fraction less in salary he has traded the heat, smog and administrative frustration of Los Angeles County for the incalculable peace of small, green Contra Costa. The largest city in Contra Costa County, Concord, would be lost in the Los Angeles megalopolis.

"Contra Costa County is more manageable by virtue of the fact that I am much closer to management operations," Will explained during an interview in his Martinez office. "In Los Angeles, there are upwards of 1,300 people in top management positions, as opposed to some 30 department heads here. All of the activities of county government are involved with cities. LA has 79 cities. I have to meet with city officials to pursue a particular program, say sharing the gas tax. The difference here is that Contra Costa County has 14 incorporated cities. I can not only meet with each city head and have a fairly medium-sized conference group, I can also visit three or four cities myself in a week and still get my other work done. Here I can have that face-to-face relationship in the prosecution of my job. The job in LA is a very, very good job — for someone who likes that size situation. This particular size just suits me an awful lot better than a county of seven million people."

Will was selected for the Contra Costa post after a nationwide search by Arthur D. Little, a national consulting firm. The Board of Supervisors selected Will from the six finalists provided by the consultants.

Explained Supervisor Warren Boggess: "Our only concern with Mr. Will was why he wanted to leave a job of such size in Los Angeles and come to a smaller county .... He said LA County has become too large and complex and unwieldy, and that he as county administrator did not feel he could see any results from what he was doing. He wanted a county where he could have an impact." Will made it clear that he was not pounding the streets looking for a job, Boggess said, and had rejected several other offers before deciding that Contra Costa was the ideal opportunity for him and his family.

But all had not been well with Will in Los Angeles, either. He was constantly being blamed by the supervisors for the county's problems, whether they involved slowdowns in construction projects, property-tax rates, data-processing problems or scandals at county institutions. There was also a move afoot, later abandoned, to put on the ballot a proposal that would have weakened the authority of the chief administrative officer. (Ironically Will threw his resignation at the supervisors at the same time that they rejected the proposed ballot measure.)

Despite this, Will insists that he has good personal relationships with the supervisors and denies that the charter amendments were aimed at him personally. "Actually, the whole time I was in this position I had no problem tolerating the heat of that kitchen," he said. "If I were concerned about that sort of thing I would have been gone from LA many years before this. Pressures, public issues, being in the middle of public fights — they are present in any government situation .... This was almost an entirely personal decision."

Contra Costa's gain

Will's experience in Los Angeles was a major selling point to the Contra Costa supervisors. Chairman James Moriarity feels that Will's connections with Southern California legislators, combined with the board's friendships in the north, should give the county unique strength in Sacramento next year.

(But Will's southern connections could have proved embarrassing in Contra Costa. His brother, Robert, is counsel for the Metropolitan Water District, Contra Costa's chief foe in a long fight over diverting northern water to southern taps by the proposed peripheral canal around the Sacramento-San Joaquin river delta. Supervisor Edmund Linscheid said that this matter was viewed as insignificant, however, since the county has its own water agency and the chief administrative officer has little to do with water policy. In other words, there should be no occasion for a battle of Wills.

The biggest question raised by Will's change of jobs may be whether Los Angeles has become unmanageable. Does that complex county need to be reorganized — perhaps even divided into several counties? Or is it merely a matter of administrative temperament?

The author is a journalist based in Contra Costa County.

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Cutting the crime out of using marijuana

During the 1974 election campaigns, Democratic candidates for various offices often called for abolition of so-called victimless crimes so that law-enforcement officials could concentrate instead on the apprehension of real criminals — the murderers, robbers and rapists among us. The term "victimless crime" applies to virtually all sex acts between consenting adults, users of any illicit drugs and various forms of gambling. What was perhaps surprising was that none of these candidates was placed under the political gun for taking a stand against victimless crimes. The public, it seems, may be ready to erase offenses against at least some forms of gambling, possession of small amounts of marijuana and private sex acts between consenting adults.

With the Democrats now in firm control of both the executive and legislative branches of state government, what are the chances for elimination of these crimes — especially the decriminalization of marijuana?

While there is a fair chance that some changes in the sex and gambling laws will be enacted this year, there is a sure thing on marijuana: The Legislature and Governor Edmund G. Brown, Jr. will reduce the penalty for possessing a small amount of marijuana. Under present law, possession of pot can be treated, at the judge's discretion, as either a felony or a misdemeanor. Last year, Governor Reagan vetoed a bill by Assemblyman Alan Sieroty, chairman of the Assembly Criminal Justice Committee, making possession of a small quantity of marijuana for personal use a misdemeanor. Brown said repeatedly during the gubernatorial campaign that he would sign such a bill.

Does this mean that Brown will go the next step and support legislation decriminalizing use of marijuana? That has been proposed by a state Senate Select Committee for the Control of Marijuana headed by Senator George Moscone of San Francisco. Such a step is unlikely; Brown was adamant during the campaign against legislation that might promote further use of hallucinogenic materials. In campus speeches, he advised students to practice meditation and get high on their own body chemistry — "not somebody else's". The new Governor supports the Sieroty bill because he thinks the potential of a felony conviction is too harsh a penalty for the crime.

Cost of enforcement

A change in the marijuana law is not merely a matter applying only to college students and hippies. The National Organization for the Reform of Marijuana Laws estimates that there are 26 million pot-users in the United States, which could translate into something like 2.6 million in California (although some claim that California has more than 10 percent of the nation's users). In addition, the administration of marijuana laws is expensive. In 1973, California recorded 90,000 pot arrests (about 70 percent of them adults); there were 73,000 arrests in 1972. The Moscone committee report contends that, since 1960, California has spent at least $577 million to prosecute 400,000 suspects. That averages out to a cost of $1,400 a case. Moscone claims that about $100 million is needlessly spent now to enforce marijuana laws, although Attorney General Evelle J. Younger challenges this estimate. But there is no disputing the statement that plenty of Californians smoke pot and that a lot of police time is spent hunting for the stuff.

Despite all this, enforcement of the basic possession law in California is lax to non-existent. Any Californian, student or adult, can smoke pot in the privacy of his or her own home without fear of being arrested. And, unless he or she gets into other trouble with the law, carrying a few joints will cause no problem. An unwritten agreement exists among police officials in many communities today not to hassle anyone doing no more than getting a little high on cannabis.

Law-enforcement efforts are directed primarily toward the pushers of the plant. Many of those arrested for simple possession are believed by police to be peddlers who, for lack of evidence, cannot be convicted of the more serious offense. For this reason, law-enforcement officials generally like the present "wobbler" law, which allows a judge to decide whether a given offense should be treated as a felony or as a misdemeanor. Shortly before resigning as head of the Federal Law Enforcement Assistance Administration last summer, Donald E. Santarelli shocked some of his law-enforcement colleagues by calling for a public moratorium on the enforcement of laws against the personal use of marijuana. This is quietly happening around the country, he said, and many district attorneys have adopted policies against prosecution of these offenses (although they will not say so publicly).

Senator H. L. Richardson, unsuccessful Republican candidate for the United States Senate last November, is one who feels that enforcement of marijuana laws is too lax. (Reagan is another.) Richardson said he would favor liberalization of marijuana if the only one harmed by use of pot were the smokers themselves, but he argues that there is damage to society from individuals who use marijuana. Both sides on this aspect of the controversy can cite historical and medical evidence proving and disproving what marijuana does to the human body and human society.

Criminality and pot

To Moscone and most other legislators, the big problem with the present law is the possibility that someone who has done nothing more than smoke some reefers

This article is based in part on research by John Curtin Jr., a Journal *intern from the University of California at Davis.*

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A short history of marijuana

All marijuana is not the same. Various grades and strengths of smoking material are produced from the cannabis plant. And there is hashish, a concentrated resin potion, which can be 10 times as strong as regular smoking pot. The word "assassin" is derived from hashish because the original Assassins were sent on their anti-Christian missions during the time of the Crusades after being given powerful doses of cannabis.

The use of the cannabis plant dates back at least 3,400 years. Records of its use in religious ceremonies in India about 1400 B.C. have been found. But marijuana appears to have been used only in Asian countries until after 1500 A.D. In 1593, the Portuguese physician Garcia de Orta in effect introduced it to the West by writing a scientific account of its effects. Napoleon's army brought hashish into France at the end of the 18th century. The debate then began between those who wanted to ban the substance as dangerous and those who wanted to promote it as a medical miracle, according to Michael Aldrich in his *A Brief Legal History of Marijuana*.

Cannabis or hemp has been cultivated in the United States for fiber since 1611, when the British Crown ordered it grown in Jamestown. The campaigning against marijuana began in the United States about 1910 when the social pillars of New Orleans took to characterizing marijuana as an evil weed used primarily by minorities and threatening to corrupt the upright majority. In 1911, the United States proposed a worldwide ban on cannabis. California prohibited its possession without prescription in 1915. In 1937, enactment of the national marijuana tax act allowed law enforcement officials to crack down on cannabis nationwide.

The LaGuardia study in 1938-44 showed marijuana in a more favorable light, but the government was not ready to liberalize pot laws. The climate of change did not occur until the 1960s, when use of marijuana became widespread on college campuses and middle-class Americans started smoking "joints" in large numbers.

will be sent to prison with real criminals and carry the brand of criminal conduct for life.

Dick Iglehart, spokesman for the California Peace Officers Association, favors the present law because it gives police the flexibility they need to apprehend the "big guys", the dealers and heavy pushers. Police are not trying to hassle the occasional smoker, but need the felony provision when possession is the only rap they can hang on a dealer. This raises another key issue in the age-old debate about the use of presumably harmful materials: If the law must recognize the fact that people will use marijuana, how will the state handle the marketing of the product? Moscone and Iglehart agree that they would rather have users grow their own in window pots or victory gardens than to buy it from dealers. In mid-1974, Iglehart took a hard look at the likelihood of liberalizing pot laws and predicted that the Sieroty bill would become law within two years, that within five years penalties would be reduced even further (perhaps to a maximum $100 fine for possession of an ounce or less) and that legalization or an even more nominal penalty would eventually replace that.

Opponents of such a liberalization have as a major weapon the vote on the marijuana-legalization initiative, Proposition 19 on the November 1972 ballot. The measure was defeated overwhelmingly, although it did win a majority in San Francisco. That vote, according to this view, showed public sentiment against liberalization. Moscone counters this analysis with the comment that what the people rejected was use of marijuana with impunity and that, on the contrary, Californians are ready for decriminalization (as opposed to making it an easily obtainable product like alcoholic beverages).

At this point in the long history of marijuana legislation, it is almost irrelevant whether smoking pot is harmful and leads users to seek even greater thrills by switcping to heroin and other so-called hard drugs. The marijuana laws have hit hardest at middle-class Californians who pack the greatest wallop with legislators. In fact, the offspring of some of California's best-known politicians have been arrested for pot offenses.

Effect of change

The political question now is how rapidly the Legislature — especially with Democrats in such overwhelming control, will travel the road toward decriminalization. Proponents claim that if the law were changed some Californians would only briefly try marijuana out of curiosity and drop the practice. The Moscone committee was told by several witnesses that a change in the law would not affect the lifestyle of Californians. Former Senator Craig Biddle asked witnesses this question: If decriminalization won't make a substantial difference, why decriminalize? The reply was that the penalties are far too harsh, that marijuana should be treated like alcohol, and that the state's law-enforcement resources should not be wasted on such a widespread, relatively harmless and victimless offense.

In California today, one thing in the marijuana debate is crystal clear: The state's policy-makers do not intend to send anyone to jail simply for having been turned on by the weed.

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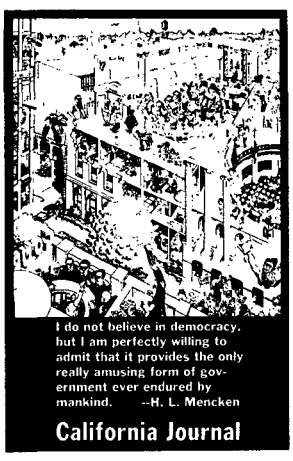
I do not believe in democracy, but I am perfectly willing to admit that it provides the only really amusing form of government ever endured by mankind. --H. L. Mencken
California Journal

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1974 independence ratings for California lawmakers

State Senator Walter Stiern of Bakersfield has survived in the Legislature after first winning office in the Democratic landslide of 1958 while watching Democratic colleagues representing the same general area in the Assembly go down to defeat. This year, he won a smashing victory. Yet, Democratic Assemblyman Ray Gonzales was defeated. An analysis of voting patterns of California legislators may explain why this happened: As the election draws near, Stiern compiles a more conservative voting record that more nearly reflects the views of the southern San Joaquin Valley voters he represents.

Walter Stiern

The statistical analysis that follows is designed to show the independence quotient of each legislator — how often he or she bolts the party's majority on key roll calls each year. Normally, those Democrats with the highest totals are conservatives and those Republicans at the top of the list are either liberal or extremely conservative. The figures show that Stiern this year bolted a majority of his Democratic colleagues 43 percent of the time, compared to 23 percent in 1973. This put him in a tie among Senate Democrats with veteran Senator Randolph Collier of Siskiyou County.

In the 1973 session, Collier was the most independent Democrat, and Peter Behr of Marin County bolted the GOP the most often. But in 1974, with election day a year closer, Behr's independence rating dropped from 61 percent to 43. That put him in second place behind liberal Senator Milton Marks of San Francisco with 51 percent. These swings may not seem significant, but a comparison of statistics for 1973 and 1974 shows a remarkable similarity — an average of 13.4 percent in 1974 and 13.8 percent in 1973 for Democrats, and 20.7 percent this year and 20.3 percent in 1973 for Republicans.

Senate rankings

Here are the rankings for members of the Senate:

Democrats (76 votes)			Republicans (84 votes)		
	1974%	1973%		1974%	1973%
Stiern	43	23	Marks	51	57
Collier	43	35	Behr	43	61
Wedworth	37	27	Nejedly	35	40
Holmdahl	33	27	Grunsky	26	17
Kennick	21	12	Bradley	24	20
Ayala	18	—	Stull	21	14
Zenovich	14	7			
Average	**13.4**	**13.8**	**Average**	**20.7**	**20.3**
Dills	12	15	Carpenter	19	16
Beilenson	12	17	Biddle	19	12
Walsh	8	22	Stevens	19	16
Short	7	8	Whetmore	17	13
Rodda	7	10	Way	15	14
Rains	7	—	Lagomarsino	15	8
Gregorio	7	17			
			Deukmejian	15	14
Song	5	3	Cusanovich	15	19
Petris	4	10	Berryhill	14	14
Moscone	4	8	Richardson	14	17
Alquist	3	7	Schrade	14	10
Dymally	3	8	Marler	13	13
Robbins	3	7	Harmer	5	10
Roberti	3	5			
Mills	1	8			

Assembly rankings

While the Senate averages remained about the same from 1973 through 1974, there was a significant decrease in the "loyalty factor" within both Democratic and Republican ranks in the Assembly. The percentage dropped from 11 percent to 9.3 for Democrats and from 22.9 percent to 17.6 for Republicans. These figures show, among other things, that the Democrats are far more homogeneous than the Republicans, who do not vote as a bloc nearly as often as do the more numerous members of the Democratic caucus.

Individual changes

Among individual assemblymen, there were some major changes in voting pattern. Democrat John Knox of Richmond moved up from 8 percent to 19, indicating that his voting record probably became markedly more conservative. Democrat Ray Gonzales of Bakersfield (the same territory as Senator Stiern) moved from 2 percent in 1973 to 14 percent this year. (He was still defeated in his bid for reelection.) For the second consecutive year, As-

How the ratings were compiled

Only key votes printed in the *Journal* "Roll call" during the year were included in the survey. All unanimous party votes were eliminated, as were those in which there was no clear party majority for or against a measure.

That left only votes in which there was a clear majority and minority position within a party in either house. Absences were counted as votes with the majority. Thus legislators with high absentee records would have received higher independence ratings had they been recorded on all roll calls.

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semblywoman March K. Fong voted with the Democratic majority every single time. (Democrats Leon Ralph and John Burton tied her in 1974.) There were a few notable shifts among Republicans as election day approached, with Don MacGillivray of Santa Barbara County dropping from 22 percent in 1973 to 10 percent this year (second lowest among GOP members of the lower house). It did MacGillivray no good, however, as he was defeated twice in runs for the state Senate.

Assemblywoman Pauline Davis retained her ranking as the most independent (and most conservative) Democrat in the Assembly. But the Republican leaders changed. Doug Carter, a maverick moderate, and the ultra-conservative Floyd Wakefield dropped a few notches, while liberal Ken Maddy moved to the top of the GOP list. (Maddy again squeaked to victory in an overwhelmingly Democratic district.)

Republicans (87 votes)

	1974%	1973%		1974%	1973%
Maddy	31	28	Russell	17	16
Burke	29	29	Hayden	17	30
Carter	25	42	Cline	17	25
Antonovich	24	32	Mobley	16	19
Arnett	23	19	Lewis	16	26
Wakefield	23	41			
McLennan	22	15	Craven	15	21
Badham	21	32	Johnson,R.	15	13
Bagley	21	26	Briggs	14	16
Murphy	20	28	Nimmo	13	17
			Beverly	13	23
Duffy	20	21			
Priolo	18	23	Bannai	11	24
Lancaster	18	25	Chappie	11	7
Collier	18	32	Wood	11	17
Seeley	18	16	Bond	10	12
			MacGillivray	10	22
Average	**17.6**	**22.9**	Lanterman	8	14

Democrats (83 votes)

	1974%	1973%		1974%	1973%
Davis	47	43	Keysor	7	4
McAlister	24	24	Dunlap	6	4
Gonsalves	23	22	Papan	6	18
Wilson	22	14	Dixon	6	4
Cullen	22	26	Waxman	6	6
Knox	19	8	Boatwright	6	10
Thomas	18	24			
Bee	17	27	Lockyer	6	—
Deddeh	16	12	Meade	6	2
Gonzales	14	2	Keene	5	12
Powers	13	24	Brown	5	4
Z'berg	13	14	Greene,B.	5	8
			Quimby	4	10
Miller	12	8			
Thurman	11	22	Berman	4	6
Chacon	11	18	Alatorre	4	4
MacDonald	10	14	Kapiloff	4	12
Ingalls	10	8	Karabian	4	12
Fenton	10	12	Montoya	4	12
			Cory	2	2
Average	**9.3**	**11.0**			
			McCarthy	2	10
Warren	8	6	Moretti	2	6
Greene,L.	8	10	Holoman	1	2
Foran	8	12	Garcia	1	6
Sieroty	8	4	Ralph	0	2
Johnson,H.	8	12	Burton	0	2
Vasconcellos	7	8	Fong	0	0

California *NEWSMAKERS*

Former Senator **Craig Biddle** of Riverside was whipsawed between the Democratic-controlled Senate Rules Committee and Republican Governor Ronald Reagan. The Governor appointed Biddle, who was defeated by Democrat **Bob Presley** in November, to a $40,000-a-year membership on the Workmen's Compensation Appeals Board. But organized labor opposed the appointment, and Democrats on the Rules Committee suggested that Biddle be named instead to the California Youth Authority at $31,000 a year. Reagan's price for this accommodation was the confirmation of two other appointees to the Workmen's Compensation Appeals Board, and the Democrats refused the counter-offer. So the Legislature recessed until after the end of Reagan's term, leaving Biddle without a state job .... The Governor's top aide, **Edwin Meese III,** accepted a position as corporate vice president for administration with Rohr Industries in Chula Vista, effective January 20th .... **Herbert Ellingwood,** Reagan's legal affairs secretary, landed a job as assistant to Attorney General **Evelle J. Younger** after the State Bar turned thumbs down on Ellingwood for an appointment to the District Court of Appeal in Sacramento.

A Californian, Congressman **Phillip Burton,** was elected Democratic caucus chairman in the House of Representatives, a victory that eventually might result in his promotion to the speakership. Burton defeated another Californian, **B.F Sisk** of Fresno .... Democrat **Oscar Klee** of Mendocino County, an unsuccessful congressional candidate in November, was ordered to start serving a six-month prison term for income-tax evasion.

Long-time Assembly Speaker pro Tempore **Carlos Bee,** a Hayward Democrat, died in San Antonio, Texas, at 57. He had been in poor health for several years .... Also deceased: Superior Judge **Lewis F. Sherman** of Berkeley, a Republican state senator from 1967 to 1970, also at 57, of cancer and **Albert W. Harris Jr.,** 45, chief of the attorney general's special investigations and organized crime unit.

Houston I. Flournoy, defeated Republican candidate for governor, let it be known that he would be interested in succeeding **Charles J. Hitch** as president of the University of California. Students, faculty members and alumni have been invited to participate in selection of the new president through **Larry Miles,** UCLA student body president, **Alexei A. Marudin,** professor of physics at Irvine, and **George H. Link,** Alumni Association president .... **Jack Nelson,** Pulitzer-Prize-winning investigative reporter, was named head of the Los Angeles *Times,* Washington bureau.

For personal reasons, a former Reagan aide, **Robert Williams,** declined an appointment to Sacramento Municipal Court. Reagan then named a black Republican, **Thomas G. Daugherty,** to the court. Other appointments: **Donald R. McNeil,** chancellor of the University of Maine, as director of the California Postsecondary Education Commission. Mrs. **Carole Arth Waters** and **Anthony L. Miller** to the new state Fair Political Practices Commission.

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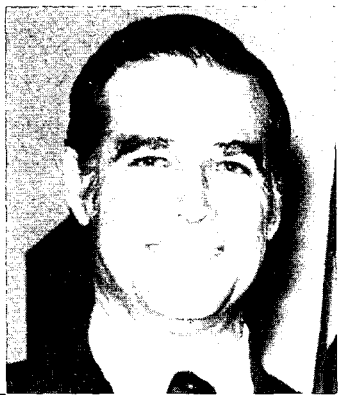
California *NEWSBRIEFS*

Russell rebounds from Assembly loss to Senate victory

Former Assemblyman Newton Russell, 47, a Republican who lost a narrow race last June to fellow Assemblyman Mike Antonovich in a newly reapportioned district, will succeed John L. Harmer in the state Senate. Russell's rebound came December 10th, when he took 51.5 percent of the votes to defeat his principal opponent, Los Angeles City Councilman Arthur K. Snyder. Election of the five-term assemblyman to the seat vacated by Harmer when he accepted Governor Reagan's appointment to replace Ed Reinecke as lieutenant governor — an office he lost to Senator Mervyn Dymally in November — brought the Senate briefly to full strength. The Democrats hold a 25-15 advantage over the Republicans, though a Democratic vacancy will occur January 6th when Dymally takes office. Dymally's district in Watts is expected to return another Democrat.



Newton Russell

Meanwhile, Reagan called a special election for February 4th to fill the Assembly seat of Democrat Carlos Bee, who represented southeastern Alameda County. Bee died November 29th. That district, too, is heavily Democratic, but Republicans feel that they have a chance to win the seat.

Political reform act takes effect Jan. 7th amid legal challenge

Proposition 9, the Political Reform Act of 1974 enacted by California voters last June, will take effect January 7th. In doing so, it is likely to change the relationship between lobbyists and lawmakers through provisions limiting an advocate's spending on an individual lawmaker to $10 a month and forbidding campaign donations by lobbyists.

Because of the complexity of the new law, a number of groups have undertaken studies of what they consider its ambiguities and unanswered questions. One group is the law firm of Edmund G. Brown, whose son, the Governor-elect, was a prime champion of Proposition 9. Another is the state Chamber of Commerce, which has put a task force to work cataloguing questions to be submitted to the Fair Political Practices Commission, which will administer the act as of February 1st.

Finally, banking interests and one lawmaker (Assemblyman Alan Sieroty) filed suit in Sacramento last month to prevent part of the proposition from taking effect. The suit maintains that the act would force banks to disclose the private accounts of elected and appointed governmental employees and their families. The bankers' suit was called "premature" by Governor-elect Brown, who said potential challengers should give the commission time to establish regulations.

State tightens policy on conflict of interest in choosing textbooks

The state Board of Education, responding to rumors concerning "wining and dining" by publishers of persons who advise the state on textbook purchases, tightened its conflict-of-interest policy. In doing so, the board largely accepted a proposal from Wilson Riles, state superintendent of public instruction. The policy, which will take effect February 1st, bans "acceptance or receipt of any gift, money, gratuity, meal, beverage, entertainment, favor or other valuable thing" from anyone likely to be doing business with the textbook-selection commission. The stake, for publishers, is a $25-million-a-year business with the State of California.

Board decides 1976 smog standards for cars will do for 1977

The Air Resources Board decided to let the 1976 automobile-emission standards apply for 1977 as well rather than jack them up even higher. It acted in the belief that the additional reduction of oxides of nitrogen (NOx) would have little effect on air pollution while further reducing fuel economy. The 1976 standard will allow NOx emissions of 2.0 grams per mile, carbon monoxide emissions of 9.0 grams per mile and hydrocarbon emissions of 0.9 grams per mile. Under the new policy, these levels will also apply to 1977 passenger cars and light trucks.

An additional reason for the delay, according to the board's executive officer, William Simmons, is a proposed federal standard for 1978 that would limit NOx emissions to .40 grams per mile, a figure the Californians consider unrealistic and hope will be changed by Congress.

UC and CSUC join in creating center for 'external' degrees

The Ventura Learning Center, born of a unique joint venture between the University of California and the California State University and Colleges, was dedicated last month as a facility where students can earn UC or CSUC degrees at off-campus locations.

"It is not a University building," said UC President Charles J. Hitch, "for it is very much a joint venture with the State University and Colleges." CSUC Chancellor Glenn S. Dumke cited the new center as evidence that the existing segments of higher education in the state can work together to fill a need for students seeking to continue their educations through part-time, off-campus programs.

The Legislature had suggested that a new segment be created to handle "external" higher-education programs leading to degrees.

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Significant court actions

When in doubt . . .

In the second major decision interpreting California's Environmental Quality Act, the state Supreme Court ruled 4-3 that an environmental impact report (EIR) must be made "in close and arguable cases". The court said, in *No Oil Inc.* v. *City of Los Angeles* that an EIR is required when a proposed project may have a significant environmental impact, or when the impact either turns on disputed factual issues or is the subject of intense public concern.

Before the justices was the validity of a Los Angeles city ordinance, enacted without an EIR, permitting Occidental Petroleum Corporation to sink two test oil wells in Pacific Palisades. The decision will require the Los Angeles City Council to reconsider the environmental impact of the project and decide whether to require an EIR. In October 1972, the council passed the ordinance without deciding if an EIR was necessary. Four organizations sued, and the trial court asked the council to determine whether the drilling would have a "significant effect" on the environment. By an 8-7 vote, the council decided that an EIR was not necessary, and the trial court approved the drilling.

Writing for the majority, Justice Mathew O. Tobriner held that the council's action was invalid because it was based on a faulty definition of "significant effect". The court reiterated its position, in its first interpretation of the act, that the Legislature intended "the fullest possible protection to the environment". This case, Tobriner wrote, "is an excellent example of those close and arguable cases in which an EIR should be prepared." He was joined by Chief Justice Donald Wright, Associate Justice Raymond Sullivan and Court of Appeal Presiding Justice John Molinari, sitting on assignment.

Justice William Clark, joined by Justices Marshall McComb and Louis Burke, contended, in dissent, that the council acted within the law and that there was ample evidence to sustain the finding of no substantial environmental impact. Clark wrote that thousands of ordinances passed between 1970 and 1973 (when the state guidelines were adopted) were not properly enacted under the standards set by the majority.

Attention, lawmakers

In a unanimous decision, the court challenged the Legislature to enact a detailed statute governing the procedures for the revelation of an alibi by a criminal defendant. In *Reynolds* v. *Superior Court,* the court ruled that a defendant cannot be forced to disclose in advance of trial whether an alibi defense will be offered (in which a defendant seeks to prove innocence by showing that he or she was elsewhere at the time of the crime).

The trial court had ordered Robert Reynolds, charged with a series of serious crimes against young girls in Los Angeles, to give the prosecution at least three days' notice before calling alibi witnesses and to provide the names, addresses and telephone numbers of these witnesses. The trial was expected to last several months, and the high court agreed to rule on the alibi question prior to trial.

The order striking down the three-day ruling was written by Chief Justice Wright, who emphasized that the court is concerned with the constitutionality of notice-of-alibi procedures in general. The court has yet to pass on whether notice-of-alibi orders violate the self-incrimination or fair-trial provisions of the state Constitution, and indicated that it would prefer to wait for "an integrated legislative document" before ruling.

Once is enough

Many city and county charters require that public employees be paid wages at least equal to the levels prevailing in private industry for equivalent work. But how often must these wages be equalized?

In a unanimous decision written by recently retired Justice Louis Burke, the court decided that once a year is sufficient and that more frequent review is strictly at the discretion of the public agency. In *Los Angeles City & County Employees' Association* v. *Los Angeles Board of Education,* a union sought a second raise within a year, retroactive to the time when the board learned that the wage scale in the district did not meet the prevailing salary level in private industry.

Burke said that continuous parity need not be maintained. "Such a requirement would cast an intolerable burden upon governing boards to 'keep current' in reviewing and adjusting wages," he wrote. "An annual adjustment conforms to customary budgeting and tax-levying procedures."

Truth-in-interest

Linda L. Glaire purchased a seven-year membership in the La Lanne-Paris Health Spa in Los Angeles. The price was $408, payable in cash or in 24 monthly installments. She chose the time payments and signed a form stating that no service charge was included. La Lanne subsequently sold the contract at a discount to an allied finance firm for $255 in cash. Glaire contended that the $153 differential was "interest", that the sum exceeded the maximum state usury rate, and that the federal truth-in-lending law applied to the contract. The trial court dismissed *Glaire* v. *La Lanne-Paris Health Spa's,* but the plaintiff appealed.

In a unanimous decision written by Justice Stanley Mosk, the court ruled that the trial court should allow Glaire to show that the $153 is interest and to demonstrate that the rate was usurious. Mosk quoted a recent federal case: "Finance companies cannot avoid truth-in-lending responsibilities for transactions in which they regularly participate merely by remaining behind the scenes and accepting consumer contracts only after the initial sales have been consummated." Mosk said that the law attempts to eliminate subterfuges by making it apply to all consumer obligations payable in more than four installments.

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A WASHINGTON PERSPECTIVE...

By Lou Cannon

Speaker of the future?

Phil Buton was beaten by a dead man the first time he ran for public office. He has taken nothing for granted since.

When House Democrats elected the 48-year-old San Francisco congressman as chairman of their caucus, they defied the norms of rewarding political conviviality and instead gave power to a colleague who is considered one of the most abrasive and temperamental congressmen of modern times. He also is one of the smartest and best-informed. It is no wonder that key advisers to President Ford already are talking about "the Burton Democrats" and estimating that it is the usually more liberal Senate, rather than the House, that will become the dependable body for sustaining presidential vetoes in 1975.

The worry within the White House is shared in large measure by Thomas (Tip) O'Neill, the House majority leader. Until Burton was elected caucus chairman, O'Neill seemed the eventual successor to House Speaker Carl Albert. Now, all bets are off. Since his first defeat, Burton rarely has needed more than a toehold to get what he wanted. And he has wanted for a long time to become Speaker of the House.

* * *

Burton's 20-year odyssey from embarrassing defeat to the brink of national power is a study in the fabled American work ethic applied to the American political system. He is a 24-hour-a-day congressman who reads the bills, understands the departments and excels in the craft of political maneuver. In 1954 he was a young, bright-eyed San Francisco attorney with an obsession for politics and no taste for the law. Operating within the framework of the national Young Democratic organization, Burton considered many of the establishment Democratic leaders in California to be both backward and ineffectual. The old Democrats, those who knew of him, in turn regarded Burton as a vaguely dangerous "ultra-liberal" or worse. Burton decided to run against one of those old guardsmen in the 1954 Democratic primary in San Francisco's Mission district. The incumbent, a dependable Democratic labor hack in a district that was then a labor stronghold, died two months before the elction. Under the California law of that day, however, his name remained on the ballot. Burton ignored the suggestion of his wife that he send out postcards "reminding" voters of the incumbent's death. The dead man won, and the County Central Committee nominated John O'Connell, not Burton, for the safe Democratic seat.

Burton's response to that defeat was to move into an adjoining district and tackle a Republican considered so invulnerable he was known as "the unbeatable Tommy Maloney." But Burton had studied the emerging political trend in California, and he thought that a 1952 change in the law putting partisan designations on the ballot gave him a chance. Maloney, the last of the old-time San Francisco labor Republicans, had been winning both parties' nominations for years under California's cross-filing law. Many voters thought he actually was a Democrat. Burton launched a precinct campaign aimed at convincing people that Maloney was a Republican. The effort barely succeeded.

The first bill Burton introduced as a legislator demonstrated his ability to select issues of importance to his constituency. The measure legalized fireworks for Chinese New Year's, and Burton has run ahead of the Democratic ticket in Chinatown ever since. But Burton's central interest quickly became the social welfare issues relating to the needs of his poorest constituents. In his last term, he snuck through an innocuously worded amendment that turned out to have the dual effect of giving welfare payments to needy children in homes where the father was present but not working and of boosting county tax rates. By the time county supervisors learned what was happening, Burton was occupying a House seat won in a 1964 special election.

The House proved a natural stage for Burton's political talents and perseverance. He made himself valuable almost immediately by learning more about welfare legislation than anyone else and by focusing on a few key issues. With less than six years' seniority he pushed through a bill compensating coal miners for black-lung disease — a measure he considers his most important legislative accomplishment.

Burton also subtly changed his political style. In California, he had been regarded as too far to the left for a leadership role; in Congress, he cultivated the middle leadership (notably Carl Albert) and stayed away from the overt challenges to House authority launched by such mavericks as Jerome Waldie. He also made peace with the San Francisco establishment, voting for a bill, for example, immunizing newspaper joint ventures from anti-trust action. The San Francisco *Chronicle,* which didn't mention Burton by name in his campaign against Maloney, approves of him now.

Except for the issues that kept the local establishment happy, Burton changed far less in substance than in style. He was against the Vietnam war from the beginning, and he has been resolutely pro-Israel since the founding of the Jewish state. He was one of only two congressmen who had the courage to vote against making the murder of a President a federal crime. (Burton said that a vote for the bill would be inconsistent with his opposition to capital punishment.)

* * *

On the whole, Burton is not especially popular in the House. He is considered to be something of a congressional grind, with no interests outside of politics. He lives three blocks away from the capitol and does not even own a car. He eats and drinks and smokes voraciously, and has been known to explode into a rage at restaurants or on the floor. But even congressmen who can't stand him tend to admire Burton for the skill and information he brings to his job. He is symbolic of a Congress that is tired of going along to get along and of being pushed around by the presidency. It is a Congress in which a man like Phil Burton can someday become the Speaker of the House.

Phil Burton

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To our readers:

This is an especially exciting time at *California Journal,* for this issue marks the magazine's fifth anniversary. Because of your acceptance of the *Journal,* publications similar to this have recently begun publication in Illinois and New York. Moreover, our television edition — also called "California Journal" — makes its debut on the public broadcasting network in California this month after three months on Sacramento's Channel 6 in Sacramento. And, later this year, we will publish the results of an ambitious research project on the interaction between the 1974 gubernatorial candidates and the news media.

But perhaps best of all, I am pleased to report that our circulation for this issue surpassed the 7,500 mark. This exceeds the projection made when the magazine first sought public support 3½ years ago. At our present rate of subscription growth, in another two or three years the *Journal* will be a financially secure fixture in California journalism.

For now, however, the magazine's income from subscriptions alone remains inadequate to meet all costs, which have been affected both by inflation and by our continuous efforts to make the *Journal* better, brighter and more valuable to you. So we still find it necessary to solicit support from foundations, corporations, associations, and individuals. We have been especially grateful to those *Journal* subscribers who have included tax-deductible contributions with their subscription payments.

The *Journal*'s first five years have not been easy, and troublesome financial times surely lie ahead. But I have confidence in the future of this magazine, because I know we shall continue to receive loyal support from the public-spirited citizens we serve — both in California and across the nation.

Thomas R. Hoeber
Publisher

Keep men of honor and integrity in places of trust and you will not fear the future.

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